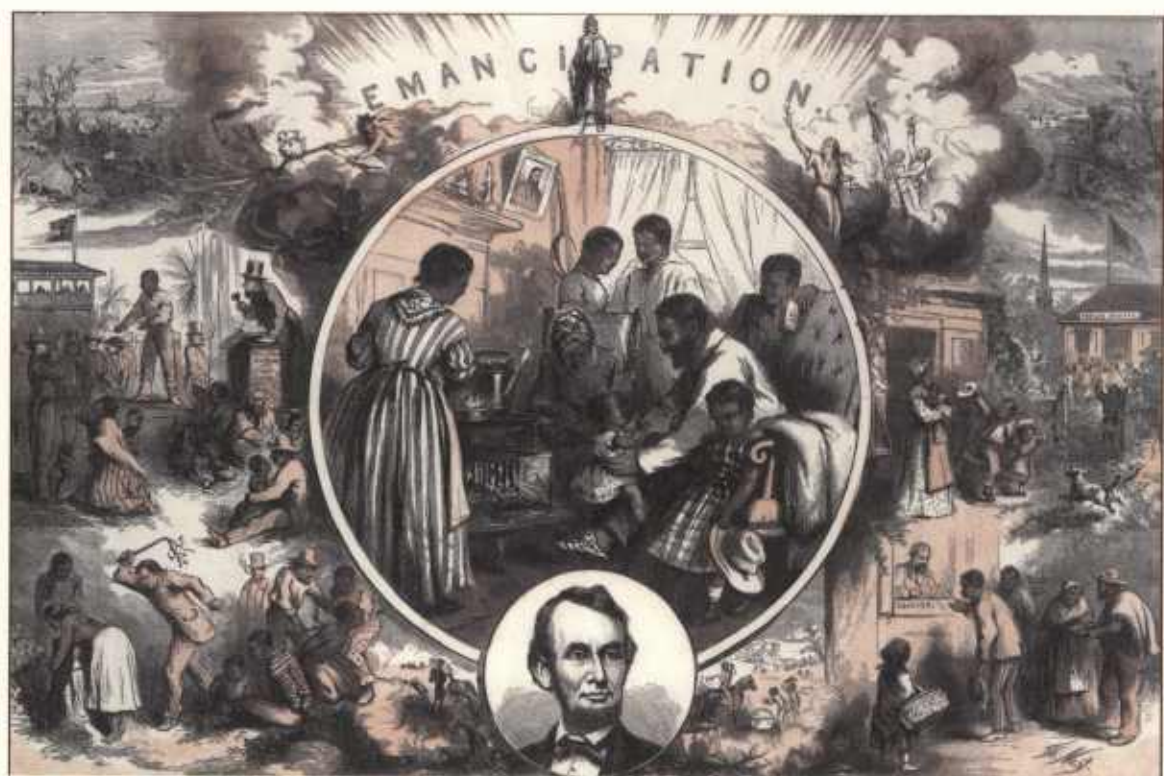


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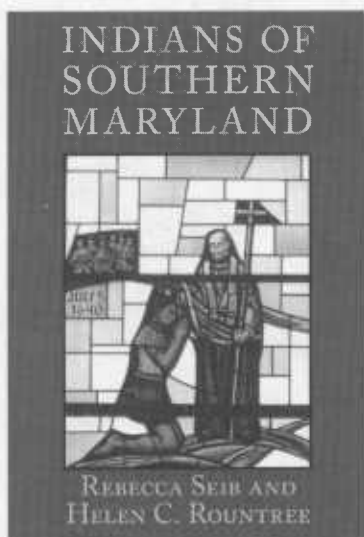


Cover: Commemorating the Thirteenth Amendment

Congress ratified the first of the "Reconstruction" amendments to the Constitution on December 6, 1865. The addition of thirty-two words, "Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction," legally freed four million enslaved people just one hundred and fifty years ago.

Thomas Nast (1840–1902) worked as staff illustrator for *Frank Leslie's Illustrated Newspaper* and *Harper's Weekly* during the Civil War. This print first appeared on January 24, 1863, after President Abraham Lincoln issued the Emancipation Proclamation. Titled "The Emancipation of the Negroes, January, 1863, The Past and The Future," the scenes depict life before and after abolition with the family at its center. *Harper's* released the image as a commemorative print after Lincoln's assassination April 14, 1865. (Courtesy of the House Divided Project at Dickinson College.)

Friends of the Press of the Maryland Historical Society



THE MARYLAND HISTORICAL SOCIETY continues its commitment to publish the finest new work in Maryland history. This year marks a decade since the Publications Committee, with the advice and support of the development staff, launched the Friends of the Press, an effort dedicated to raising money to be used solely for bringing new titles into print. The society is particularly grateful to H. Thomas Howell (1937–2014), past committee chair, for his unwavering support of our work and for his exemplary generosity. The committee is pleased to announce two new titles funded through the Friends of the Press.

Rebecca Seib and Helen C. Rountree's *Indians of Southern Maryland*, offers a highly readable account of the culture and history of Maryland's native people, from prehistory to the early twenty-first century. The authors, both cultural anthropologists with training in history, have written an objective, reliable source for the general public, modern Maryland Indians, schoolteachers, and scholars.

Appearing this fall, Milt Diggins's compelling story of slave catcher Thomas McCreary examines the physical and legal battles that followed the passing of the Fugitive Slave Act of 1850. Was seizing escaped slaves the legal capture of fugitives—or an act of kidnapping? Residing in Cecil County, midway between Philadelphia and Baltimore, and conducting his “business” in an area already inflamed by clashes like the violent Christiana riot, McCreary drew the ire of abolitionists. Frederick Douglass referred to him as “the notorious Elkton kidnapper.”

These are the seventh and eighth Friends of the Press titles, continuing the mission first set forth in 1844. We invite you to become a supporter and help us fill in the unknown pages of Maryland history. If you would like to make a tax-deductible gift to the Friends of the Press, please direct your donation to Development, Maryland Historical Society, 201 West Monument Street, Baltimore, MD 21201. For additional information on MdHS publications, contact Patricia Dockman Anderson, Director of Publications and Library Services, 410-685-3750 x317 or panderson@mdhs.org.

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In Memoriam

Lois Green Carr

Lois Green Carr, preeminent historian of colonial Maryland, died peacefully at her home on June 28, 2015. She was ninety-three years of age.

Born on March 7, 1922 in Holyoke, Massachusetts, to Donald Ross Green, a textile manufacturer, and Constance McLaughlin Green, Dr. Carr was a third-generation historian. Her grandfather won a Pulitzer Prize in 1936 for his history of the Constitution, as did her mother in 1963 for *Washington: Village and Capital, 1800-1878*. As Lois later put it, "I was born with connections and had to live up to the expectations that resulted." After graduating from Swarthmore College in 1943, Dr. Carr obtained her M.A. from Radcliffe College in 1944, and subsequently completed Ph.D. course requirements in History at Harvard University.

After moving to Annapolis in 1954, Dr. Carr joined the Hall of Records (now Maryland State Archives) staff as a junior archivist in 1956. Unable to travel back to New England for research, she made

little progress on a doctoral dissertation on colonial Massachusetts. Finding herself at the Archives "surrounded by Maryland court records that no one had yet studied,"

she changed her topic to colonial Maryland, earning a Ph.D. from Harvard in 1968 for her dissertation on "County Government in Maryland," perhaps the lengthiest (more than a thousand typed pages) and most detailed study of local colonial government.

In 1967 she became Historian for Historic St. Mary's City (HSMC), a position she retained for forty-five years. When she began work there, the St. Mary's City site had almost none of the features one expects to find at a history museum. It boasted no significant period buildings or battlefields, but consisted only of an inherited 1934 reconstruction of the 1676 Maryland State House and an empty field with well-preserved but as yet unexplored archaeological evidence of Maryland's first English settlement. So it was a given that Dr. Carr would work



Private collection

closely with archaeologists in developing museum interpretations and curriculum, digging in documents rather than in the ground. But with the archaeological research only just getting underway, the content and message of that curriculum was at first completely undefined. At that time, a research strategy integrating archival history with archaeology and architecture was considered novel.

Dr. Carr founded the historical research program at HSMC but continued to work primarily at the state archives, where she had ready access to essential documentary records. There she routinely put in nine- to ten-hour days, often six days a week. Dedicated to teaching public history as well as writing it, she saw St. Mary's City as her classroom, where the public could learn about the past by experiencing it in new ways. So she drove the four hour round trip to St. Mary's City to consult with staff whenever needed, and participated in the development of every exhibit at the museum, including numerous seventeenth-century reconstructions, most notably the Godiah Spray Tobacco Plantation, and provided the key historical evidence for identifying the Calvert family members buried in lead coffins discovered under the 1660s Brick Chapel.

Developing a multi-faceted social history curriculum for an ambitious young museum challenged Dr. Carr to pursue original research on a broader geographic, topical, and interdisciplinary scale than academic historians usually attempt. First, she undertook research on a wide range of geographic scales. She began studying the local St. Mary's County population. This task alone was daunting, for the county's court records had been destroyed in a court house fire. To compensate, Dr. Carr and her staff compiled a biographical file of all seventeenth- and eighteenth-century county residents mentioned in provincial records, an invaluable resource part of her research files maintained among the collections of the Maryland State Archives and HSMC. She also created seventeenth- and eighteenth-century tract maps of the city and of the county from original survey and patent records.

Next Dr. Carr tackled the southern Maryland regional context, using surviving county court records for adjacent Charles and Prince George's Counties to gain further information about the local economy, labor systems, community networks, and family life. Nor could she neglect the state level, since St. Mary's City was the seat of government for the whole colony. She persuaded other scholars who were then working on Anne Arundel, Baltimore, Kent, Talbot, and Somerset Counties at the Maryland State Archives to pursue similar research questions and to use similar research methods in order to come up with a systematic understanding of the economic and social history of the whole colony.

Recognizing that some major developments could be explained only by studying the whole Upper South region, Dr. Carr further expanded the research scope, working in collaboration with Colonial Williamsburg staff and other independent scholars to include selected counties in Virginia, pursuing questions about tobacco agriculture, the region's export-dependent economy, the rise of slavery, and how successively

settled areas developed economically and socially. Finally she undertook research on an Atlantic scale, since the story of European and forced African immigrants is a central part of the history of St. Mary's City—what they brought with them, how they changed after crossing the ocean, and what they built in a new country.

When HSMC was first established, U.S. colonial history was taught mainly as the history of New England—Pilgrims, Puritans, Paul Revere, John Adams, and the Boston Tea Party. Not much of importance, it seemed, had happened in the South between the founding of Jamestown and George Washington and Thomas Jefferson. In contrast, the research the HSMC staff conducted revealed a world of Catholics and Anglicans, Quakers, a few Puritans, and more than a few religiously indifferent settlers. It found not long lives and big families, but short lives in a hostile disease environment, many more men than women, and small families broken by early death. Tobacco growers rather than traditional English farmers tilled the land, borrowing techniques from Native Americans and using not family labor but indentured servants, freedmen, tenants, and slaves. There were not towns, but dispersed settlements and rural neighborhoods where order was maintained by county courts instead of town magistrates and ministers. And instead of an egalitarian society, there was one composed of powerful wealthy elites, ordinary planters and tenant farmers, and bound laborers.

Developing the museum curriculum required topical as well as geographical breadth, for Dr. Carr was determined that interpretations at Historic St. Mary's City tell comprehensive stories about the experiences of ordinary people as well as of famous men. Beginning with her dissertation on county government, she continued research and writing on seventeenth-century Maryland institutional and political history, including the coauthored *Maryland's Revolution of Government 1689–1692*.

She and her team also undertook innovative research in the then newly emerging fields of historical demography, women's studies, and African American history. Dr. Carr pioneered in using long familiar public record series in innovative ways to research topics these series were not explicitly created to address. For example, studying the status and role of women from men's wills, and the age and gender composition of enslaved populations from probate inventories. The Historic St. Mary's City research helped to publicize and encourage greater use of colonial records in the Chesapeake region, and stimulated parallel research projects in public archives elsewhere. One of Dr. Carr's most important contributions was internationally recognized research using thousands of probate inventories to study economic development, standards of living, material culture, and social structure throughout the Chesapeake region. Such large amounts of data could be analyzed only with computers, a new development for historians in the 1970s, requiring that the staff learn how to do quantitative history and computer programming as well.

The wide geographic, topical, and interdisciplinary scope of this ambitious research agenda made team work, which Dr. Carr excelled at organizing, essential. She

designed and directed several long-term history research projects that won support from the National Science Foundation and from the National Endowment for the Humanities. The resulting contributions to historical knowledge were far greater than anything individual scholars working alone could have accomplished.

Dr. Carr believed that public history museums should offer interpretations adhering to the same high standards for quality and originality as those demanded by leading academic institutions. She attended and participated in many conferences and symposiums in the fields of colonial social and economic history. The research reports she and her staff produced for HSMC not only shaped museum exhibits but became the basis for major contributions to the fields of political, social, economic, and women's history. Most research reports were first vetted as papers at history colloquiums and conferences, and subsequently published as articles in peer reviewed academic journals or as monographs. Among Dr. Carr's co-authored books are *Maryland: A New Guide to the Old Line State*, *Law, Society, and Politics in Early Maryland*, *Colonial Chesapeake Society*, and *Robert Cole's World: Agriculture & Society in Early Maryland*, a publication that received numerous awards. Results were further disseminated at teacher training institutes and in college courses.

Beyond her work for HSMC, Dr. Carr's intellectual creativity and enthusiasm attracted numerous young researchers to the study of colonial Maryland history, a group often characterized as the "Maryland Mafia," with Dr. Carr as its godmother. She never wanted to teach in a university, but for over forty years she conducted a daily lunch-time history seminar, first at the St. John's College coffee shop near the old Maryland Hall of Records, and, after the Archives moved to Rowe Boulevard, at the Natural Resources Building cafeteria across the street. When scholars arrived at the Archives to conduct research, Lois sought them out and invited them to participate in these conversations, which usually proved so valuable that most visiting scholars regarded attendance as virtually mandatory.

Through her generous mentoring of dozens of younger scholars, Dr. Carr played a major role in shaping research, writing, teaching, and interpretation of the history of the Chesapeake region. Many scholars owe her an immense debt for invaluable advice on all stages of a project from research design to polishing a final manuscript. A demanding critic with considerable editorial skills, Dr. Carr pushed everyone to aspire to high levels of achievement. The questions HSMC staff asked and the research methods they devised also encouraged comparative studies by scholars working in areas outside the region.

Dr. Carr subsequently served as a Senior Adjunct Scholar at the Archives from 1988 until 2005. In 1989, she assumed the position of Senior Historian of the Maryland Historic Trust, continuing to focus her work on St. Mary's City, an activity she sustained even after her retirement in November 2005. She was also an adjunct professor of history at the University of Maryland, College Park from 1982 until her retirement, and was a visiting professor at St. Mary's College of Maryland in 1971.

Although modest about her own achievements, Dr. Carr was widely recognized and admired by her colleagues. She was president of the Economic History Association in 1990–1991. In 1992 a conference in her honor, held at the University of Maryland at College Park, brought together leading colonial scholars whom she had known and worked with during her career. The HSMC granted Dr. Carr its highest award, the cross bottony, in 1995, and she was one of the first two recipients in 1996 of the Maryland Humanities Council's Eisenberg Prize for Excellence in the Humanities. In 2000, Dr. Carr was inducted into the Maryland Women's Hall of Fame and in 2001 she received an honorary degree from St. Mary's College of Maryland.

In addition to her passion for history, Dr. Carr loved her Quarter Landing neighborhood, listening to classical music, gardening, cooking, entertaining guests, and participating in a play-reading group with her husband, Jack Ladd Carr, who preceded her in death in 2010. The couple regularly attended Annapolis Symphony Orchestra concerts and Colonial Players productions. Visiting colleagues always received a warm welcome at her home, and Annapolis friends gathered at her annual Christmas party.

Well before most of the exhibits and structures at HSMC were completed, the background research that Dr. Carr directed began to be incorporated into college courses and high school textbooks throughout the country. As a result, the museum curriculum Dr. Carr developed is reaching not just visitors to one museum, but a much wider public than she ever envisioned. Today, Americans from grade school through graduate school continue to benefit from the dedication, high standards, and extraordinary productivity of one of the nation's most influential public historians.

Memorial services celebrating her life took place at the reconstructed Brick Chapel at Historic St. Mary's City on September 19, 2015, and at the Maryland State Archives in Annapolis on September 20, 2015. Contributions in her memory may be made to the Friends of the Maryland State Archives (350 Rowe Boulevard, Annapolis, Maryland, 21401), or to the Carr Fund at the Historic St. Mary's City Foundation (P.O. Box 24, St. Mary's City, 20686) for support of the plantation exhibits directly based on Dr. Carr's scholarship in *Robert Cole's World*.

Lorena Walsh

Under a Cloak of Nationalism: Wrangling Public Opinion during the War of 1812

KRISTIN STONE

"Newspapers, though not always conducted with talents and respectability, are the best possible channels for obtaining an acquaintance with the affairs of the world. . . . In truth, they are the great engine that moves the moral and political world, and are infinitely powerful to establish the character of a people . . ."

— Hezekiah Niles, *Niles' Weekly Register*, October 25, 1817¹

In the first decades of the nineteenth century, Frederick County proved one of the most politically contested counties in Maryland. Although dominated by Federalists in 1807, power reverted to the Republicans in 1808 and 1809 and then back to Federalists again in 1810 and 1811. During these years, the Shriver family dedicated themselves to promoting the Republican cause, and they viewed print media as their primary mode of influence. In January 1809, Abraham and Andrew Shriver planned to revive the *Fredericktown Hornet* to counter the influence of the *Federal Republican*, a Federalist newspaper in Baltimore. By September, a family friend urged the Shrivvers to "get more subscribers for our paper," because the local Federalist editors were doing "all in their power" to secure victory at the next elections. He explained, "If our paper had a more [extensive] circulation in Frederick county, it would be a great benefit for the Republican Cause." In 1810, the Shrivvers estimated they had 1,200 subscribers, including 200 from Baltimore and an unprecedented 100 in Frederick. In August 1811 the brothers circulated an additional 250 handbills in preparation for the upcoming state elections. By October 1811, though, Abraham Shriver feared their efforts would not be enough. Just as the Republicans had increased their electioneering, he noted, "many of [the Federalists'] most important men are constantly going and coming, so that the Republicans . . . may be taken by surprise yet."²

Historians often depict the Republicans' ascension to power in the years preceding and during the War of 1812 as relatively unchallenged. Yet, as the Shrivvers' story suggests, between 1807 and 1815 many Republicans viewed the Federalists as a real threat and never felt assured of their political supremacy. In early 1808, Federalists

Kristin Stone received her Ph.D. at the University of California, Davis, and is currently an instructor at Legacy Christian Academy in Frisco, Texas.

capitalized on the unpopularity of the embargo the Jefferson administration had placed on American trade. They increased the number of their political newspapers and employed more populist rhetoric, championing the farmer and laborer over elites to appeal to common voters. They also expanded their electioneering beyond the realm of print, forming political societies and organizing statewide meetings of Federalist leaders to prepare for elections. Those efforts put Republicans on the defensive. Challenged by the Federalists' populist appeals, Republicans had to *prove* that they truly were the "Friends of the People" that they claimed to be. In response, Republican political leaders and editors stepped up their own organizational activity and intensified their campaign rhetoric.

As Federalists and Republicans jockeyed for power in Maryland, two Baltimore editors emerged as national spokesmen for their parties. The editor of the *Federal Republican*, Alexander Contee Hanson epitomized high-Federalist views, opposing the War of 1812 and any Federalists who supported the war effort. Just two days after war had been declared, he denounced it as "unnecessary, inexpedient, and entered into from partial, personal . . . motives." He declared himself "avowedly hostile to the presidency of James Madison" and pledged to portray the administration and the war in "as strong colors as we are capable." His popularity extended the reach of his political sentiments beyond the confines of his paper's subscription list, gaining him national attention. Hanson's vituperative editorials against the Madison administration soon estranged him from his moderate Federalist readership and ultimately provoked attacks on the office of the *Federal Republican* in 1812.³

Meanwhile, as editor of the national magazine, the *Weekly Register*, Republican Hezekiah Niles considered the war an opportunity for America to gain a national character separate from Great Britain. With England as its "ancient and inveterate foe," the United States had long "endured what no independent nation ought to have suffered for a moment." Niles wrote, "*it is the law of the land that we fight England* — it is also the will of the people." Niles used a cloak of impartiality and nationalist rhetoric to unite his readers under a moderate brand of Republicanism that supported domestic manufacturing, the growth of a home market, and economic independence.⁴

The editorial careers of Niles and Hanson offer insight on the motives, methods, and influence of political newspaper editors during the transformative years before and during the War of 1812. Every time the Federalists increased the intensity of their electioneering, they challenged their opponents to renew their own appeals to voters. Between 1807 and 1816, political power and voter support seesawed back and forth as each party refined its campaign tactics and reacted to the machinations of the other. (See table opposite.)

Historians of the American political press often focus on the influence of the Republican press on politics, ignoring the ways in which the activities of the Federalist press influenced Republican editors. New scholarship dismisses the com-

PARTY FAVORED IN MARYLAND ELECTIONS, 1796-1816

Election sequence	Party favored
1796 Presidential to 1798 Congressional	Federalist
1798 Congressional to 1800 Presidential	Republican
1800 Presidential to 1801 Congressional	Republican
1801 Congressional to 1803 Congressional	Republican
1803 Congressional to 1804 Congressional	Republican
1804 Congressional to 1804 Presidential	Republican
1804 Presidential to 1806 Congressional	Federalist
1806 Congressional to 1808 Congressional	Federalist
1808 Congressional to 1808 Presidential	Republican
1808 Presidential to 1810 Congressional	Republican
1810 Congressional to 1812 Congressional	Federalist
1812 Congressional to 1812 Presidential	Federalist
1812 Presidential to 1814 Congressional	Federalist
1814 Congressional to 1816 Congressional	Republican
1816 Congressional to 1816 Presidential	Republican

Source: David A. Bohmer, "Stability and Change in Early National Politics: The Maryland Voter and the Election of 1800," *William and Mary Quarterly*, Third Series, 36 (1979): 37.

munication between political editors altogether, and argues instead that the nation consisted of a variety of unconnected local and regional reading publics scattered across the nation. Even historians who recognize the presence of print networks often depict parties as communicating only within their partisan boundaries rather than interacting with one another on a national scale. Such views exaggerate the decentralization and disconnectedness of the early American political press and overlook the ways in which editors engaged in dialogue with one another across geographic and partisan lines.⁵

In fact, Federalist and Republican editors listened and talked to one another, using each other's words to generate the controversy needed to sustain their newspapers. They transformed political discussion by adopting highly partisan and often abrasive editorial rhetoric; each side continually adapted its tactics to retaliate against opponents. Their political discussions spread across the nation, as editors outside their cities reproduced their writings and used their language to facilitate their own local political discussions. Through these battles of words, partisan editors continually forced their opponents to modify their editorial strategies to gain the political upper hand. In so doing, they encouraged popular participation in political discourse and polarized national political sentiment during the war years, ultimately shifting national support to the Republican Party.

Prior to the war, Hanson and Niles both used rhetorical invective against one another, often reacting to the other by adopting their opponents' strategies. They engaged in what Andrew Robertson has described as "generating and nourishing public support" by describing the parties in "antithetical, but symmetrical, fashion." In the 1790s, Robertson has argued, each party claimed to embody "Americanism" while casting their opponents as a foreign "other." While Federalist editors were praising their readers' "Americanism" in contrast to the French (and Jeffersonian) "Jacobins," Republican editors defended their party's "American" ideals against those held by British (and Federalist) "monarchists." During the years leading to the War of 1812, their terminology began to change, although the antithetical symmetry remained. Each side attempted to cast itself as a true friend to the suffering masses while painting the other as a band of dictatorial elites unconcerned with the plight of the common man.⁶

A shift occurred during the war years. Niles began to adopt a new and more influential strategy, casting aside his partisan invective in favor of appealing to people of all parties. He invited moderate Federalists to join the discussion and broadened the definition of Republicanism, thereby offering Federalists a cover under which to unite with Republicans and regain influence. Meanwhile, Hanson went on castigating moderate Federalists for their lack of political passion and in so doing alienated himself from the party he had worked so hard to inspire. Lacking a unified leadership and unable to escape the opprobrium attached to extreme Federalists like Hanson, the party declined after the War of 1812.

FOLLOWING THE BRITISH ATTACK on the U.S.S. *Chesapeake* on June 22, 1807, President Jefferson proposed an embargo on maritime commerce, thinking that economic pressure would force Britain to meet American demands. Passed on December 22, 1807, the embargo prohibited American trade with any other nation and kept all American ships and goods in port indefinitely.

Federalists angrily criticized the embargo as self-destructive and politically manipulative. Federalists claimed that the embargo hurt the *American* economy while protecting *British* subjects on American ships. Indeed, following its start, American exports declined from \$108 million in 1807 to only \$22 million in 1808. Without maritime trade, seaport workers' wages plummeted. Deprived of the lucrative demand for grain in wartime Europe, American farmers overwhelmed domestic retailers with grain. In New York, the price of wheat fell by more than 60 percent. Southern staple crop farmers were soon unable to make purchases or repay loans, which sharply affected their creditors, tradesmen, and shopkeepers. In Baltimore, exports dropped by more than 80 percent between 1806 and 1808, with the price of flour falling from \$40 a barrel to \$12. Meanwhile, prices of imported goods soared, with lemons up 168 percent, high grade brandy up 33.3 percent, low grade brandy up 50 percent, and shoes up from 15 percent to 33 percent. Baltimore's 1,800 seamen sat

idle in waterfront saloons. From her estate outside Baltimore, Rosalie Stier Calvert lamented, "This embargo is ruining a vast number of people. If it continues for some time yet, the consequences will be incalculable."⁷

Federalist leaders, intending to capitalize on American discontent, focused their 1808 political electioneering almost entirely on the embargo. Prior to the 1808 New York state election, William Coleman reminded his *New York Evening Post* readers that "the sickle of the Farmer is now rusty and useless – the hammer of the Mechanic is no more heard – and the cry of the Pilot is swallowed up in the moans of our distressed citizens." "The secret proceedings of Government and Embargoes are poisons too bitter, too nauseous for the American People over willingly to swallow," he told New Yorkers. "DO YOUR DUTY AND SAVE YOUR COUNTRY." In preparation for the presidential election, a political essayist from the *Trenton Federalist* announced that the Republican tickets "are composed of men devoted to EMBARGOES." Following their anti-embargo campaign in 1808, Federalists tripled their electoral vote of 1804 and doubled their numbers in the House of Representatives.⁸

In Baltimore, Federalists established two more political newspapers by the end of 1808. They founded the *Baltimore North American* in January 1808, choosing Jacob Wagner as their editor. Wagner had served as chief clerk of the United States Department of State from 1798 until he resigned early in 1807 while serving under James Madison. Issuing both a daily paper and tri-weekly country paper, Wagner defended prominent Federalists (particularly lawyers) from the denunciations of the Republican sheets while exposing the inconsistencies of Republican editors. In addition to editing the *North American*, Wagner printed most of the Maryland Federalists' electioneering tickets, handbills, broadsides, posters, and pamphlets. Printers like Wagner provided the lifeblood for their parties. In addition to newspapers, they exchanged pamphlets and other electioneering material to sell in one another's offices, circulating their political message well beyond their own paper's immediate readership. They created what Benedict Anderson has described as an "imagined community," connecting distant and rural voters to the larger partisan body.⁹

Also established by an "association" of Federalist gentlemen, the *Baltimore Federal Republican* ran its first issue in July of 1808. A college graduate and former attorney, editor Alexander Contee Hanson came from an influential line of political leaders and office holders and proved to be even more contentious than Wagner. Publishing tri-weekly until May 1809, then every day, Hanson denounced foreign and domestic enemies, including supporters of the Republican administration and proudly referred to the *Federal Republican* as an "independent federal paper," as compared with those Republican presses controlled by office seekers and politicians. Local critics, resenting his aristocratic airs and overt Federalism called it "his majesty's paper."¹⁰

Hanson resented moderate Federalists, expressing "mortification" at the "lukewarmness and indifference" and "extreme want of . . . liberality, firmness, and

independence in many respectable Federalists." Indeed, too many of Maryland's Federalists remained "yet desirous of being thought *moderate* in their sentiments and conduct," which he argued "contributed more to fasten democracy upon us than either the influence, exertion, or numbers of our opponents." He tried to rouse moderate Federalists to action against Republicans by publishing pithy and inflammatory articles under short, catchy headings. He also gave extensive partisan coverage to local Federalist candidates and campaigns.¹¹

Hanson also attempted to reach those farmers and small artisans who had suffered most from the embargo. Although Republicans referred to themselves as "Friends of the People," Hanson painted the party as unconcerned with the plight of the common voter. He blamed Republican merchants who benefitted from the prolific smuggling trade engendered by the embargo for the sufferings of the masses. Indeed, the 1808 U.S. Treasury report cited Baltimore as one of the chief violators of the embargo. While Republican merchants remained "snuggly seated at their counting-rooms calculating their riches and devising means for evading the embargo," Hanson declared, "the suffering husbandman who earns his living at the sweat of his brow, is forced to see the fruits of his industry decay upon his hands." And "those mariners that the embargo was intended to protect," Hanson noted, had voluntarily joined the Royal Navy for want of work in the United States. Even if the administration lifted the embargo immediately, so many seamen had deserted that Baltimore lacked enough to man even eight merchant vessels. Hanson thus sought to convince his readers that Republicans could not be "Friends of the People" as they claimed. Instead, voters should rely on the Federalists to protect their rights.¹²

In particular, Hanson professed compassion for the mass of democratic voters led astray by Republicans. In Baltimore, he observed, respectable mechanics made "buffoons and laughing-stocks of themselves" in parades simply to gratify Republican politicians, while those same Republican leaders privately referred to their voters as "rabble" and the "scum of society." Having held power for several years, Hanson explained, Republican leaders had begun "to feel as if they were above the people." They were "so entirely convinced of the passive obedience and non-resistance of a majority of the people, that they have become entirely barefaced, and daily treat them as if void of even common understanding." Rather than representing their constituents' interests, they betrayed them by supporting measures like the embargo. Deluded by Jeffersonian promises, the people unfortunately "cast off their true friends and confided the care of their interests and safety to parasites and flatterers." Having derided Republican leaders and described their followers as deluded, Hanson made it clear that *his* readers were morally superior. By disassociating Republican leaders from "the people," Federalists painted the former as manipulators rather than their representatives. Federalists were the *true* protectors of farmers, seamen, and other sufferers of the effects of the embargo.¹³

Alarmed at Hanson's influence, some Republicans—according to Hanson—

Alexander Contee Hanson (1786–1819) was the controversial editor of the *Federal Republican*, the vocal anti-war newspaper published in Baltimore in 1812. (Maryland Historical Society.)



threatened violence against the *Federal Republican* and its supporters. "One very liberal democrat in the city, said he would subscribe two hundred dollars to have the proprietors of the *Federal Republican* 'tared and feathered;' another, in the fullness of his generosity, said he would give five hundred dollars to have the paper stopped." The *Federal Republican*'s agents and collectors also reported threats of violence. Foolish, brave, or both, Hanson challenged his opponents to "let what will come, we are prepared to meet it, and fear not our personal security." Indeed, he used the proposed violence to appeal to the sympathies of moderate Federalists: "The officious and impertinent interference of the Democrats, the uncommon clamour they have raised against this establishment, is itself a sufficient reason why it should be patronized by the Federalists," he argued. "The extreme uneasiness they unwarily evince in such a variety of ways, is the best proof of the necessity of such a paper."¹⁴

REPUBLICAN EDITOR HEZEKIAH NILES vigorously opposed the *North American* (he styled it the "North Briton") and the *Federal Republican*, which he called the "Liar's Gazette" or "Lawyer's Gazette." Prior to editing the *Weekly Register*, Niles owned and edited the *Baltimore Evening Post*. As his jab at Hanson's elite origins suggests, Niles emphasized class antagonisms between the common citizenry and the elite Federalists. Although well educated with a basic grasp of Latin, Niles lacked a university education and learned his craft through an apprenticeship with a Philadelphia paper. In the *Evening Post*, he accused the Federalist editors of disingenuously attempting to cajole the people. According to Niles, Federalists abused prominent Republicans while pouring the "oil of flattery" down the "backs of the 'Mechanics' . . . as if they (*the said lawyer editors*) were friendly to the 'interests' of this numerous class of society!"

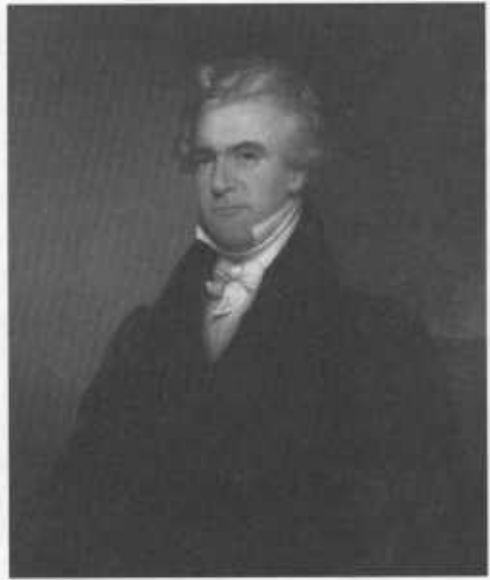
Although the Federalist lawyers had "numerous virtues and elegant talents," Niles argued, "they are fallible beings like unto ourselves." Their profession "accustomed [them] to hear the narration of crimes, and defend the veriest iniquities – to make the *law* bend and twist to suit the purposes of their client," resulting in men with a blunted sense of justice and right. Unlike the Federalist lawyers, "we have no need to consult 'twenty thousand volumes' to know our moral or social duties."¹⁵

Niles responded to expanding Federalist electioneering with biting insults, loosely veiled satire, and strongly gendered attacks. He often referred to the *Federal Republican* association as "boys" and depicted Hanson as leading a "grout of women dressed in men's clothes." Mocking the Federalists' pretensions to honor, he also wrote and published a series of satirical letters by Timothy Quildriver, a fictional Federalist lawyer who undoubtedly represented Hanson. Quildriver railed against the "silly people" and "miserable voters" for their lack of education and ignorance of political matters while praising his own gentility. In the process, Quildriver exposed his own imbecility and lack of civic virtue, inviting readers to feel superior to his character and the elitist Federalists he represented. Niles later admitted that he often "bestowed more attention to the reprehensible manner in which the '*Federal Republican*' has been conducted, than the editors deserved; and perhaps, sometimes, in the warmth of retaliation, too closely followed *their lead*."¹⁶

As Niles feared, Federalists across the nation increased their exertions in the 1808 elections. The *Providence Phoenix* complained that in Rhode Island, they had been "circulating pamphlets and handbills . . . riding through the State to make converts to the federal cause . . . furnishing carriages and men to assist the lame, the halt and the blind, to the polls; in short . . . [using] every electioneering art." According to the *Albany Register*, Federalists in New York raised a "clamor" against the embargo, circulated numerous electioneering publications, and convened "*caucusses* of their leaders and deluded adherents in almost every state in the Union, for which purpose . . . emissaries of the highest grade in their party, have been travelling from state to state."

For the first time, Maryland Federalists had candidates in almost every race, from city council to Congress. In July 1808, Robert Goodloe Harper called two Federalists from each county to meet in Baltimore. Delegates planned strategy for the state elections and chose representatives to attend a Federalist meeting in New York. That year Federalists gained a forty-three to thirty-seven majority in the Maryland House of Delegates. In 1807, Talbot and Frederick Counties had had four Republican representatives each in the House of Delegates, in 1808, Federalist candidates ousted one of Talbot's Republicans and all of Frederick's. Although their national congressional representation remained the same (six to three in favor of the Republicans), Federalists wrested two more of the state's eleven electoral votes for the presidential election. Most of the Federalist strength lay in rural areas, such as southern Maryland, the lower Eastern Shore, and highly agrarian counties like Frederick. Federalist success

Hezekiah Niles, editor of the *Weekly Register*, America's first national weekly newspaper. Though published in Baltimore, it was popular throughout the country and known for balanced political articles. (Maryland Historical Society.)



in the Maryland state elections mirrored that of the party nationwide. They gained several House seats in Virginia, North Carolina, and New England and carried New England (with the exception of Vermont) in the presidential election.¹⁷

Although confident of their strength in Baltimore, Republicans feared their opponents' growing strength outside the city. Niles worried that Federalist newspapers might easily dupe Maryland's unsuspecting agrarian voters. In Baltimore, local readers could see the Federalist editors' "outrageous conduct" and "procure correct information on the real state of things," he argued, but "in the remote parts of the State, where correct *commercial* information is with difficulty obtained – where hundreds of these papers are distributed, *gratis*, to a people eager for *news*, the effect must be great, unless those who suck in the poison are furnished with its antidote." In June, Baltimore's Federalist editors had already put forth such a concentrated effort in preparation for the 1809 state elections that Republicans felt compelled "to open the electioneering campaign" earlier than they intended.¹⁸

To win voters outside of Baltimore, Niles published a summary and commentary of the political debates between Baltimore's newspaper editors in an 1809 pamphlet entitled, *Things as They Are*. Pamphlets could be printed quickly, distributed easily, and sold cheaply. Their larger size also permitted greater elaboration than a newspaper and made them ideal for presenting rural voters with a snapshot of the state's political contest. With financial support from the Baltimore Republican committee, Niles chose the most politically inflammatory passages from the *North American*, *Federal Republican*, and *Federal Gazette* to expose the Federalists' populist electioneering as fraudulent. He argued that Federalist leaders supported only their own elite financial interests rather than advocating for the people at large. "An idiot cannot believe that

the lawyers, who felt less than any other class of society the distress of the times, were the only or best advocates for obtaining a repeal of the laws imposing restrictions on commerce." Separating Federalist leaders from more moderate Federalist voters, whom he styled "American federalists," Niles concluded that "the leaders of the present Federal party have nothing American in their whole composition" and that "their power to do harm is derived from the 'American federalists' too often supporting them by their votes at elections."¹⁹

Republican prospects brightened with a change of national foreign policy. In March 1809, Congress lifted the embargo, replacing it with a non-intercourse act that allowed for trade with any non-belligerent nation. The act also promised to lift trade restrictions with either France or England once that nation repealed its decrees against neutral commerce. As tensions with Great Britain continued unabated, the public increasingly favored Republicans. As one Federalist reluctantly recognized, in 1808 "it was the Embargo and not Democracy, that lost popularity."²⁰

Maryland Republicans, though, attributing much of the Federalists' success in 1808 to their populist newspaper campaign, adopted and improved upon the Federalists' tactics. In Baltimore, Republican editors devised ways to increase the circulation of their papers throughout Maryland. In Frederick County, Republican leaders hoped to reclaim their House delegation by reaching a broader range of voters. The Shriver brothers discussed plans to counter the *Federal Republican's* influence on swing voters by reviving the Fredericktown *Hornet*. They also planned a new paper similar in design to an existing Federalist paper but filled with content from the *Hornet*, thinking to mislead Federalists into buying and reading a work that seemed at first to be one of their own party's publications. To appeal to the large numbers of German farmers in Frederick County, the brothers printed handbills and political papers in German and wrote essays under the pseudonym "German farmer." By appealing to such a wide range of voters, Republicans sought to recover their identity as "Friends of the People."²¹

In response to their opponents' increased electioneering, Maryland Federalists once again intensified their newspaper campaign. In 1809, Hanson declared, "Our efforts ought to be in the same ratio with the goodness of our cause. . . . We should also proportion our own exertions to those which are made against us." In the beginning of that year, he claimed to have over eight hundred subscribers with the number growing daily. On April 24, 1809, the *Federal Republican* became a daily paper, and Hanson also began publishing a country edition three times a week. By the end of 1809, he and Wagner united the *North American* and the *Federal Republican*, arguing that Federalists would be better served by pouring their resources into a single paper. Their joint venture reached approximately two thousand subscribers.²²

Hanson professed the *Federal Republican* to be the official voice of Maryland Federalists frustrated with the political moderation employed by most Federalist editors. "There is a reluctance, an inability indeed, on the part of the federal edi-

tors, to imitate the democratic writers," he complained. "Where is the spirit that actuated the Aurora in 1798? Why sleep its thunders? Why are its suspicions and denunciations so quiet?" If other Federalist editors refused to fight, Hanson vowed to seize the reins of party leadership. David Hackett Fischer has argued that Hanson belonged to a younger generation of Federalists who embraced party and partisan measures, but, as Hanson's words illustrate, these younger Federalists continued to mirror their forebears in their elitism and distrust of the common voter's judgment. They claimed the mantle of party leadership and expected voters to defer to them, exercising "discipline" when their voters resisted. Arguing that "the necessity of introducing discipline in the counties daily becomes more apparent," Hanson proceeded to give rural Federalists unsolicited strategic advice and publicly chastised those who ignored him.²³

Although initially lauding Hanson for his passion, other Federalists soon found his dictatorial persona obtrusive and obnoxious. Federalists in Fredericktown resented that "gentlemen at the distance of 45 miles from us" could presume to tell them "when they are to vote and for whom they are to vote." Denying the *Federal Republican's* authority, they vowed to "act in this business, *precisely according to what we may think right*." The editor of the *Fredericktown Herald* supported his Federalist correspondents, arguing that that the *Federal Republican* editors "ought to know better the respect that others are entitled to, and ought also to know better the sphere in which it becomes them to move." Increasingly resentful of their urban leadership, rural Federalists asserted political independence. In doing so, they fell outside of Fischer's categories of new- and old-school Federalists, constituting a third category that eschewed the principles of deference and trusted voters to make informed political decisions. Although Hanson edited a prominent paper and served as a spokesman for his party, these peripheral editors claimed for their voters the right to think and act for themselves. Chastising Hanson for expecting other Federalist editors to be his "servile copyists," the *Virginia Patriot* editor declared, "We obey the orders of no FIELD MARSHAL in our political campaign; nor shall we echo any opinion."²⁴

Hanson attributed these grievances to jealousy rather than to his imperious leadership. Rural Maryland Federalists long had resented Baltimore's leadership, bitter that those who had never succeeded in their own local elections presumed to direct others. While Hanson had hoped to overcome the tensions between city and country Federalists, he only inflamed the growing animosities with his dictatorial leadership style and disregard of complaints. His sarcastic retort: "'Our sphere' is not only *all* Maryland, the mountains clear up to Allegany included, and as far beyond as the Pacific ocean, but we also claim jurisdiction as far beyond as the north pole and every other pole or point in the globe."²⁵

WHEN THE UNITED STATES declared war on Great Britain on June 18, 1812, the majority of Federalists supported the decision. Although Federalists in New England

declared their opposition, most others declared "it to be the duty of all, to join the standard of our Country, to rally around the Rulers of the Nation, and to use every means which we possess to aid in bringing it to a speedy and honorable conclusion." Those who disagreed spoke more in terms of benign neutrality rather than directly obstructing war measures. Like Georgia Federalist Felix H. Gilbert, most Federalists agreed that while the declaration of war was an "astounding act of Madness," all citizens should "rally round the Standard."²⁶

Hanson broke from his fellow Federalists' commitment of support by publicly denouncing the war in the *Federal Republican*. In doing so, he incited violence against high-Federalists and further alienated the more moderate members of the party. On the night of June 22, a group of men surrounded the *Federal Republican* printing office. In retaliation for Hanson's inflammatory rhetoric, the mob dismantled the office "as regularly as if they had contracted to perform the job for pay." By the time they were done, they had destroyed an estimated \$5,000 of property as well as the newspaper's account books, which contained records of approximately \$4,000 of subscription fees owed to the editors. Hanson moved the office to Georgetown just weeks after the June riot, but on July 25 he slipped quietly into Baltimore and occupied a house on Charles Street to distribute his paper. Joined by about three dozen party leaders from across the state, Hanson hoped to rouse Baltimore's apathetic Federalists. Hanson and his compatriots claimed to defend the "Liberty of the Press, the security of property and personal rights, civil and political, . . . [and] the very principles and privileges, for the assertion and defence of which the War of Independence was declared." On the morning of July 27, he distributed issues of the *Federal Republican* that censured the city's officials for failing to halt the June riot. During that attack, Republican officials and the mayor had appeared briefly, only to withdraw from the scene without taking action against the rioters. Having fortified the Charles Street house, Hanson and his friends awaited the reaction. They were not disappointed.²⁷

By the evening of July 27, a crowd had gathered and began exchanging insults with those inside. Within a few hours, shots were fired, and two men in the crowd were dead. Encouraged by the Republican editor of the *Baltimore Sun*, the rioters wheeled a cannon to the street and prepared to fire it into the house. When authorities finally escorted the Federalists to the local jail for protection early the next morning, the mob destroyed the house, broke into the jail, and dragged Hanson and his cohort into the street. The next morning, a Revolutionary War veteran lay dead, and another Federalist had been tarred and feathered; rioters beat the rest senseless, stabbed their faces with penknives, dripped hot candle grease into their eyes, and left them for dead. Hanson's injuries were so extensive that he never fully recovered and died in 1819 at the age of thirty-three.²⁸

By inviting violence rather than supporting the American cause, Hanson alienated Baltimore Federalists. Many left town; others remained silent. When the post-

man refused to continue home deliveries of the *Federal Republican*, several of its readers declined to pick up their copies. One reported with disbelief that a number of Federalists seemed "rather pleased with the most part at the mob's conduct." Supportive of war efforts and embarrassed by the *Federal Republican's* extreme rhetoric and violent measures, many moderate Federalists probably were relieved by the paper's demise. Hanson complained of "not having one devoted true friend in the place." So disappointed was Hanson with Baltimore Federalists that he confessed to being tempted to ask Great Britain's Admiral Sir John Borlase Warren "as a [special] favor to destroy Baltimore."²⁹

Despite the silence of Baltimore's Federalists, Maryland Republican leaders feared the effect of the riots on their rural voters. "Scandalous as [the *Federal Republican*] was," Nathaniel Macon admitted, "the law was open to all whom he had injured, and the injured ought to have appealed to the law, and not the mob." Events will, he apprehended, "turn out as injurious to the party as it is dangerous to society." Republican leaders particularly worried that voters would view them as willing to use illegal violence and destruction to achieve their political goals. In October, John Tyler feared that Baltimore Republicans' "late intemperate and ill-timed publications" defending the riotous activity "will tend to give more strength & vigour to the Federal party." In January 1813, the *National Intelligencer* warned its readers that "now, if ever, is the moment at which the federal party might have hoped to vault into the seat of power over the heads of its possessors."³⁰

Indeed, across the nation, Federalists united in their outrage over the riots and declared their support for Hanson. Many disaffected party members in Baltimore returned to the fold and helped elect Hanson to the House of Representatives, leading one Republican editor to lament that had it not been for the riots, Hanson "might still have been a printer in Baltimore" rather than "raised to the first dignity in the county, no less than member of Congress." Aided by the Maryland Washington Society's campaign to drum up subscriptions, Hanson reported in February 1813 that his paper was "never in greater demand than at present in Baltimore." By April, he boasted an average of more than five hundred new subscribers a month. In Baltimore, young men "[thronged] round the Post-Office door, to see whether the *bulletin* is - '*Federal Republican arrived!*' or '*Federal Republican not arrived!*' which so commonly adorns the *windows* of that Public-Office." According to Hezekiah Niles, Hanson's paper achieved "perhaps, a greater number of subscribers than any in the union, owing to certain ever-to-be lamented events." Although the *Federal Republican's* growing support was initially regarded as a reaction to the personal violence against Hanson rather than enthusiasm over his rhetoric, its growing popularity and nationwide circulation gave Federalists a medium of organized communication unlike any they had ever experienced.³¹

Bolstered by public outrage against the riots, Federalists across the nation increased their electioneering efforts. They came within one large state of recapturing the

White House, increased their numbers in the House of Representatives, and reduced by one the Republican majority in the Senate. The *Alexandria Herald* reported that "in our own little village the abuse conferred on the government, and the circulation of the *Federal Republican* has nearly changed the politics of the town." In Maryland, Republican David Shriver complained that several Hanson supporters had moved to Cumberland to campaign while the Republicans "lameley" electioneered and found it "impossible to keep up their spirits." Following the October elections, Niles noted that "the political aspect of the state of Maryland has been completely changed." Maryland Federalists accomplished a 54-26 majority in the House of Delegates and elected Levin Winder governor along with a Federalist-dominated governor's council.³²

Capitalizing on public discontent over the administration's management of the war as well as the Republican onslaught against their opposition, Federalists redefined their party as the true defender of freedom and peace. Where Republican legislators rashly committed the nation to an unnecessary war of aggression, Federalists pledged to bring about a prompt end to it. Where Republicans attempted to quash dissent against their political agenda, Federalists claimed to represent the true voice of the American public. Identifying themselves as the friends of "peace, liberty, and commerce" or simply "the peace party," Federalists sought to disassociate themselves from rumors that they covertly supported the British. Although Republicans mocked the Federalists' new identity as inconsistent with their ideology, Federalists hoped their new image would attract voters dissatisfied with the current Republican leadership.³³

Maryland Federalists left no stone unturned in their preparation for the 1813 and 1814 elections. They exploited the administration's refusal to give Maryland the military assistance for which it had asked, assistance the administration had freely extended to other states. They established two new papers, the Fredericktown *Plain Dealer* in 1813 and the Hagerstown *Torchlight* in 1814, to counter Republican newspapers in those areas. Members of the Federalist-supporting Washington Society electioneered "in a clandestine manner" throughout Baltimore County, while Hanson hosted a public dinner in Fredericktown featuring prominent Federalists Timothy Pickering of Massachusetts and James Kent of New York. According to Republican reports, Federalists passed out ballots "formed in such a manner, as to be calculated to impose on those, who are not specially on their guard against deception." In particular, Federalists employed attractive images on their tickets to emphasize their commitment to economic prosperity and peace: "one a *ship*; another a *plough*; a third a *wheat-sheaf*, with the *cunning* motto, '*Peace, Commerce, and two dollars a bushel for wheat*.'" According to the *Maryland Republican*, "no exertions, no arts, no means were left untried by the opposition to effect a decision in their favor." It worked. Although the Republicans made gains in the state legislature, Federalists carried, albeit barely, the 1813 Maryland election. Once again possessing a majority in the House of Delegates, Federalists reelected Levin Winder as governor.³⁴



"The Conspiracy Against Baltimore, Or the War Dance at Montgomery Courthouse." This political cartoon shows the intense animosity between Federalists and anti-Federalists in Baltimore in 1812. Created by an unknown Republican artist, it ridicules the Federalists, depicting Alexander C. Hanson with devil horns whispering into the ear of his legal advisor Robert Goodloe Harper. (Maryland Historical Society.)

The next year's elections took place just weeks after the British invaded Maryland in a failed attempt to take Baltimore. Republicans carried Baltimore as the result of their leadership against the British. However, rural voters still flocked to the Federalist camp to protest the Madison administration's continued inability to prosecute an effective war. Federalists achieved a 59–21 victory in the General Assembly and easily reelected Winder governor. In the congressional election, Federalists returned five representatives from southern Maryland, the lower Eastern Shore, and the western counties of Frederick, Washington, and Allegany. Republicans lost five seats in the senate but maintained their majority in the Twelfth Congress.³⁵

Maryland Republicans blamed their 1814 losses on a combination of Federalist energy and Republican lethargy. Prior to the election, the *Baltimore Patriot* conceded that the Federalists "are the most vigilant, active, ingenious men, in managing their own party concerns, that perhaps ever were leagued together in any country," while the Republicans "as a party are the most unsuspecting, impolitic, easily-duped set of men, in the country." The editor complained, "This year, the Federalists are pretending to bury all party distinctions, and at the same time, have been using more party industry for one month, than the Republicans have used for twelve months." Following the election, he excused his party. "The Federalists did a great deal of this business this year," he admitted, but "the Republicans were about *better* business.

They were fighting the battles of their country, or ready to fight them; at their posts instead of at the polls." Where Republican leaders like Samuel Smith organized Baltimore's defense, the *Patriot* argued that Federalists provided little substantial assistance. While the "best blood of Baltimore was bleeding in the ranks," prominent Federalist Robert Goodloe Harper "was viewing the conflict without being of the least service," and Hanson "instead of joining the ranks . . . as was his duty, proffered his services *for a command!* as if a whipster, who had 'never set a squadron in the field,' had any fair claim over any other common citizen to be distinguished by an epaulet." Though flush with success, Federalists remained unable to shake charges of condescension and disloyalty.³⁶

ALTHOUGH MARYLAND FEDERALISTS had increased their political influence and briefly reunited in their anger over the riots, they again began to splinter over their approach to the war. Led by Hanson and John Hanson Thomas, the extreme oppositionists wanted Maryland Federalists to emulate New England's Federalist-dominated state governments and refuse to render financial and military support for the war. Where Baltimore alone raised \$3 million for the government in 1813, Boston contributed a mere \$75,000. Loans from all of New England in 1812 totaled less than \$1 million, compared to New York's and Philadelphia's subscriptions of \$1.5 million each. New England Federalists also withheld the use of their state militias outside their state boundaries. Hanson, Thomas, and their followers so vocally supported New England's measures that Republicans mockingly called them Blue Lights, referring to New Englanders accused of sending up blue flares to communicate with British ships off the coast.³⁷

After the Battle of Baltimore and fearful that the British might return at any time, a majority of Maryland Federalists broke with Hanson. These moderates opposed the war but advocated temporarily working with Republicans to bring the conflict to a swift and honorable end. They also refused to join in support of DeWitt Clinton for president. Moderate Federalists earned the nickname "Coodies," after a fictional character created by Clinton's political enemy, Gulian C. Verplanck. Roger Brooke Taney of Frederick County first broke with Hanson by refusing to defend the *Federal Republican's* reestablishment in Baltimore in July 1812, and the British invasion two years later gave Taney the final impetus to formally break from the high-Federalist leadership. While Hanson was advising Federalists that "now is the time to rise upon our adversaries," Taney urged them to support war efforts. Just prior to the British invasion of Washington, he complained to General William H. Winder that "the two great parties who divide the country are too busy quarreling with one another and preparing for the ensuing elections to bestow much thought on defending the country against the common enemy." By 1818, Taney and Hanson had become so estranged that Hanson predicted "if Taney [does] not fall, federalism will — it is inevitable."³⁸

Elsewhere in the country, moderate Federalists broke with party leaders, too. Although they still shared the basic Federalist value of deferential republican government, they valued the preservation of their nation more than partisan achievements. The *Baltimore American* reported that "the great body of the Federalists . . . are now coming forward . . . in various parts of the United States" in support of their nation. The prominent Federalist *New York Gazette*, told its readers that "in an extremity like this, every man must become a soldier, and every AMERICAN again boast of having aided in securing to his Country the blessings of Independence." The editor of New Jersey's *Morristown Herald* ceased publishing in October 1814, announcing that he would "no longer throw a public impediment in the way of a vigorous prosecution of the war." In Virginia, subscribers to the *Petersburg Daily Courier* advocated "that all party distinction ought now to be obliterated, since every federalist has united with every republican in one common cause."³⁹

Meanwhile, Republicans promoted non-partisan nationalism to win moderate Federalists over to the Republican camp. In Baltimore, even before the war, Hezekiah Niles began making non-partisan appeals to moderate Federalists. Niles saw in Americans' increasing political passions a greater adherence to individual parties than to the nation and recognized that such heightened political zeal threatened to tear the nation apart. Niles encouraged the nation "to lay aside private feelings and local affections." He particularly criticized the growing "spirit of party," which he blamed for "hurrying the people to collective acts that individually they hate and despise." In 1811, Niles sold his aggressively political *Baltimore Evening Post* and began publishing the *Weekly Register*, as a means to "put my fellow citizens more on a par with each other" and promote national unity rather than political strife.⁴⁰

With the *Weekly Register*, Niles created an entirely different sort of paper. Most newspapers contained four pages, at least two of which consisted primarily of advertisements. For five dollars a year, the *Weekly Register's* subscribers received a weekly sixteen-page periodical filled with news, statistics, and essays. "To a large portion of our readers," Niles noted, "the REGISTER assumes the character of a newspaper, while many receive it chiefly as a book of reference." Indeed, Niles encouraged his readers to bind their copies for long-term preservation. The *Weekly Register* contained no advertisements. Instead, Niles supported the paper entirely from subscription money. He also printed large supplements of reference documents and distributed them at no additional cost. According to Niles, the *Weekly Register* "is the most laborious publication that (I believe) [has] been issued by the editorship of one man. A daily paper, of which I had 6 years therewith, is mere play compared with the toil of this thing."⁴¹

In the *Weekly Register*, Niles ostensibly promoted national unity over partisan conflict. He advocated American manufacturing and protective tariffs as the vital means by which the country would attain and sustain a national identity. With the nation embroiled in international conflict, he became convinced that the United States

depended too closely on Great Britain and lacked an identity of its own. Because of Americans' insistence on importing even the most basic goods from Great Britain, he argued, "we are semi-*Englishmen*, and have not a *national character*." Like Henry Clay and John Quincy Adams, Niles believed that the survival of republicanism and the nation depended upon complete American independence from foreign nations. Professing a continued adherence to Jefferson's agrarian vision of "*simplicity and economy*," Niles insisted that this Republican vision needed a growing domestic market for the agricultural economy to survive.⁴²

By rejecting local electioneering or partisan mudslinging, Niles also avoided localizing the *Register* or making it *appear* devoted to any political creed. He founded it on "temper, moderation, and dignity." To appeal to moderate Federalist readers, he included only information that he believed relevant to adherents of both political parties and the nation at large. When reporting on controversial events, he promised to select his publications "with justice and impartiality, so that the 'public reason' may fairly discern the merits of a case." "If little party bickerings shall unfortunately exist," he pledged, "we shall pass by them in silence, as usual; and recognize no party but the *friends* and *enemies* of the United States." Niles thus cast himself as the antithesis of the impassioned partisan editor, promoting national unity over party politics.⁴³

This national focus quickly allowed Niles to gain a large circulation that stretched across the continent. With its first issue, the *Weekly Register* had 1,500 subscribers. By the end of its first year, it boasted 3,300 subscribers, and that number rose to 4,500 by 1822. In 1820, Niles declared that the *Weekly Register* "is more extensively read than any other [paper] printed in the United States, and copies of it find their way to most parts of the world in which our language is known." Subscribers included statesmen and politicians, and the U.S. government provided copies to congressmen as well as its representatives abroad. Thomas Jefferson considered the work "very valuable as a Repository of documents, original papers, and the facts of the day," and John Adams personally contacted Niles in 1817 to request the work in its entirety and to offer pieces for publication.⁴⁴

Other editors soon recognized the paper's influence. In 1818, the *Baltimore Patriot* called it "the most valuable work of the kind ever attempted in the United States" and in 1816, the *New Jersey Journal* called it "the best paper we have seen, and the best we exchange with, although we receive them from every part of the Union." Across the nation, newspapers reprinted pieces from the *Weekly Register*, expanding its geographic reach beyond its circulation. Niles marveled at how many of his publications found their way into these other prints:

I have . . . counted up 27 articles written for the *Register*, "taken as their own," by the folks at *Boston* and elsewhere, and republished in *Baltimore*, as something new! The rounds that these things take are curious – for instance, I have an article before me that *I myself made*, that was published at *Boston* as original,

copied into a *Baltimore* paper without credit, and inserted in an *Albany* paper as belonging to the newspaper last noted.

By 1820, Niles' *Weekly Register* had become one of the most widely read papers in the nation.⁴⁵

Niles appealed to Federalists by appearing to stay above the partisan fray. He claimed that in the *Weekly Register*, "The words 'republicans' or 'federalists' have not been used except to describe the political character of certain bodies of men, or give the simple result of an election. We have condemned no man for acting upon 'federal' principles, nor approved another for guiding himself by the tenets of the 'republicans.'" In many cases, Niles published material that conflicted with his personal political views to appear impartial. For example, he reprinted the controversial letters of Federalist Timothy Pickering in 1812 and published the official documents of the Hartford Convention in 1815. When criticized for printing so many Federalist-leaning documents, Niles conceded he meant to "give the preference to those that, from any circumstance, he apprehended would be most referred to," thereby ensuring that Federalists would read his *Register*. By February of 1813, he claimed that the *Register's* new subscribers contained "many of the most distinguished personages of our country, of all the various parties that chequer its political character."⁴⁶

Niles, though, sought Federalist readers to achieve his own partisan ends. When criticized for not more aggressively advocating his Republican politics, Niles privately responded that he considered it his duty first "to combat *general delusions* . . . and cherish & support *general principles*, clothing them in such language, and bolstering them up by such facts" that individuals of all political persuasions would be convinced. He argued that he must "avoid every appearance of electioneering" and partiality, otherwise his entire plan would fail. By extending the olive branch to Federalists, Niles put the *Weekly Register* in the hands of a broader audience than any other political paper in the nation.⁴⁷

Indeed, Federalist editors considered the *Weekly Register* a valuable resource. Niles claimed to have offers of more exchange papers than he could handle, eventually requiring him to turn his fellow editors away. Even the Federalist *Boston Repertory* conceded that Niles deserved his extensive circulation and high praise "on account of the great quantity of public documents of financial reports, statistical statements, and other useful matter which it contains." Though they refused to read or exchange with many other Republican papers, Federalist editors simply could not afford to cast Niles's paper aside.⁴⁸

WHILE NILES WAS ATTEMPTING to reduce party passions, events dictated otherwise in late 1814. Many New England Federalists resented what they perceived to be the administration's mismanagement of the war, the disproportionate effect of the embargoes on their states, the federal government's lack of support for their defense,

and the New England states' lack of influence in the Union. According to Boston's Ephraim Lock, "There are many Federalists, if not all of them, who will under no circumstances unite to carry on the War under Madison." These extremists called for a convention of New England Federalists to address their grievances. Party moderates also supported the convention as a means of controlling unrest and quieting their more vocal members.⁴⁹

Meeting in December 1814, the delegates to the Hartford Convention conferred in secret while the nation waited anxiously for the results. In Maryland, Robert Goodloe Harper admitted feeling "regret and apprehension" over the extreme measures taken by his New England counterparts, arguing that "much as the Eastern States suffer, the Southern and Middle states suffer more." In January 1815, the *Federal Republican* expressed more optimism, assuring its readers that "we know nothing further of their proceedings than . . . that every thing has been agreed on which was proper to be done, and nothing to be repented of has been sanctioned." When the convention delegates finally adjourned, all Federalists breathed a sigh of relief at the overall moderation of their proceedings: the convention's final report bypassed any discussion of secession and recommended instead seven constitutional amendments such as requiring a two-thirds congressional majority to declare war and limiting future presidents to one term. According to the convention delegates, these amendments would "strengthen, and if possible . . . perpetuate, the union of the states."⁵⁰

Unfortunately for the party, the delegates' actions proved ill-timed. The nation learned of Andrew Jackson's victory at New Orleans and the subsequent peace before the convention's representatives arrived to present their requests to Congress in mid-February. "The *grievance deputies* from Massachusetts & Connecticut," said Baltimore Republican Winfield Scott, have "afforded a fine Subject of jest & merriment to men of all parties." By March, Republican editor William Pechin joyfully noted that "these poor misguided *gentlemen* have literally sunk into contempt and obscurity." Party moderates in Maryland felt mortified and tried to dissociate themselves from the New Englanders. Roger Brook Taney later grumbled that while Maryland citizens defended their state from the British invasion, "those with whom the Maryland federalists had been associated as leaders of the party, were holding the Hartford Convention, talking about disunion, [and] conferring with one another in secret conclave."⁵¹

Capitalizing on the growing dissatisfaction with Federalist leaders, Niles charged them with sacrificing their nation to the British for the sake of political gain. Like most Republican editors, he rebuked the extremists for their disloyalty during the war, labeling the Hartford Convention a "disgrace," an "abomination," and treasonous. Indeed, Niles argued that the New England Federalists' discussions of separating from the Union included "no question between the '*republican*' and the '*federalist*'" but only an issue "between the *American* and *his enemy*." True Federalists, Niles claimed, supported the "federal" principles of the American constitution and, like

Washington, "frowned indignantly" upon the enemies of union, foreign and domestic. He considered those who participated in the Hartford Convention a "base and prostitute FACTION, that every reflecting *American*, whether he be a '*republican*' or a '*federalist*' must reprobate and despise."⁵²

Niles exonerated *moderate* Federalists, though, and invited them to remain active in public discussion. He separated this "honest" Federalist majority who verbally opposed government policies from their more extreme leaders who advocated outright rebellion against the administration. He especially appealed to Federalists outside New England, contending that "there are no persons more seriously disgusted with the spirit that got up the *Hartford Convention*, the folly that guided, or pusillanimity . . . that ended its career, than the vast body of those called 'federalists' in the middle and southern states." Protesting the absurdity of believing that the majority of Federalists sided with the British, he argued that "there must be, and is, bad men in both sides – but nine tenths of either have a common object in repulsing the enemy." He believed that all "*honest men*" had a right to participate in public discussion and encouraged Federalists to exercise that liberty.⁵³

Niles encouraged both parties to drop their antagonism and embrace a common identity as Americans. Hiding his own partisan views beneath a garb of nationalism, Niles thus appealed to Federalists in a way that his overtly partisan colleagues did not. "I know my disposition is sanguine," he wrote, "but I apprehend the time is at hand, when the party designations of 'republicans' and 'federalists' will fall into disuse, and the people have one proud *American* feeling." While admitting that differences of opinion "will, and, perhaps, ought, to exist amongst us," he attributed much of the rise in postwar nationalism and political unity to his efforts in the *Weekly Register*. "It is delightful to see the words 'national character,' 'national feeling,' and the like coming into *common* use," he wrote in 1817, "and it is, indeed, a luxury to the editor of this paper to believe, that he, as much as any man, has contributed to bring it about."⁵⁴

Ultimately, Niles envisioned a postwar citizenry united under a moderate brand of Republicanism with which many moderate Federalists could also agree. At the start of the war, most Republicans championed the Jeffersonian vision of an American economy built on agriculture and small-scale household manufacturing. On the other hand, many moderate Federalists thought the development of large-scale American manufacturing was essential to realizing the Hamiltonian vision of free trade and foreign commerce. Niles bridged the chasm between the two, arguing that American agriculture could only thrive with the growth of manufacturing and the creation of a large domestic market. He praised *all* American manufacturers "whose labors," he said, "are eminently calculated to build up a national character" and encouraged Americans to continue building a domestic market so that the nation would realize its full glory.⁵⁵

Although Niles advocated non-partisanship, he intended his paper to have a last-

ing partisan effect. Indeed, he manufactured "good feelings" as a means to promote a moderate Republicanism built on home manufacturing and growth of a domestic market. He confided to a private correspondent that "the day is approaching, when the 'era of *good feelings*' will end," and prophesied that the country would soon see a period of old-school Republican principles commence. By offering Federalists an escape from their anti-war past, Niles ensured a wide audience for his vision for the nation. He used the nationalist sentiments arising from the war as well as a broadened definition of Republicanism to unite his readers, regardless of party, under his moderate political banner.⁵⁶

Niles's moderate appeals succeeded in drawing a large, bipartisan readership, in large part due to the voter backlash over the behavior of high-Federalist leaders during the British invasions of 1814. According to the *New York Columbian*, "the moderate[s] of the federal party are entirely dissatisfied with the conduct" of their Federalist leaders. In Massachusetts, Jonathan Mason and Samuel Dexter Jr. (former federal secretary of war) broke with the extremists in their party, drawing a number of Federalist voters with them. In Maryland, moderate Federalists rebelled against the leadership of Hanson and Robert Goodloe Harper. By the 1815 elections, the *Washington National Intelligencer* noted, "the moderate party . . . gained a complete victory over Alex. Hanson . . . and over those (one excepted) who were on the same ticket with him. Divided over the war and the Hartford Convention, Federalists no longer united in their opposition to Republicans. The party, the *Herald* explained, "is often inconsistent with itself, and the various aspects it assumes probably arises from the opinions and the course of certain men who are considered its leaders." The *Maryland Herald* observed only "slight shades of difference" between Federalists and Republicans, noting that "what is called Federalism at this day . . . is difficult to define."⁵⁷

In his personal writings, Hanson also admitted embracing a nonpartisan nationalism. Ironically, where Niles used nationalism as a cover for reestablishing Republicanism, Hanson hoped to revive Federalism. He wrote to Edward Johnson Coale that "parties are rapidly receiving a new organization and impulse." As such, he argued, "the present is an auspicious period to get up a great *American party*, a party free from all foreign predilections, a party declaring itself for the aggrandizement of the country, its defense &c." He added, "The Americans are the vainest people on earth and we must address ourselves to this passion or the people will attach themselves to those who do. . . . If we turn to a good use the temper of the times all our principles and doctrines will come in fashion again and with that the men of talents and virtue."⁵⁸

Despite Hanson's optimism, he had alienated moderate Federalist voters to such an extent that his political influence had waned. Angry about their lack of support for the *Federal Republican*, he wrote that Maryland Federalists "as a party, and mostly as individuals . . . are not worth the paper and ink which would be

wasted in describing them." In 1814, he further alienated himself by breaking with the Federalist supporters of both Rufus King and DeWitt Clinton. Hanson publicly differed with King on American military economic policies and accused Clinton of throwing the 1812 presidential election to the Republicans in an attempt to increase his chance of a bipartisan nomination. By 1815, Maryland Federalists no longer considered Hanson a primary leader, and in planning a meeting to prepare for the fall elections they invited all Federalist members of Congress except him. Defeated and despondent, Hanson professed disillusionment at the postwar Federalists' adoption of moderation. "When I first became enamored of political pursuits," he wrote, "I considered federalism all that was pure, disinterested and exalted and democracy exactly the reverse. Experience has shown me that the shades of difference between the two parties are but slight." Where Niles concealed his partisanship to appeal to all Americans, Hanson allowed his extreme political views to alienate him from the party he once had inspired. Ever passionate, he refused to temper his partisan opinions to reflect those of the majority of his party. In the end, Hanson failed to create a Federalist-leaning "American party" because he never learned how to appeal to moderates.⁵⁹

Across the nation, Federalists rejected extreme oppositionists like Hanson and embraced more moderate Federalist leaders who promoted joining with Republicans in support of the war. Niles and other Republican editors seized on this growth of partisan moderation as an opportunity to invite moderate Federalists into the Republican fold. Using an innovative strategy of *appearing* non-partisan, they appealed to moderate Federalists who had grown dissatisfied with their party's high-Federalist leadership. Niles achieved arguably the highest level of popularity of any editor at that time. As his nationalist appeals made their way into hundreds of other newspapers, he gained a large, geographically vast, and bipartisan subscription list. By promoting a nationalist brand of Republicanism that appealed to moderate Federalists, Hezekiah Niles was instrumental in ushering in the one-party state of the so-called Era of Good Feelings.

NOTES

1. *Niles' Weekly Register*, 13, no. 321 (October 25, 1817), 130.
2. I have based my electoral data on House of Delegates election returns. In 1807, 1810, and 1811, the county elected Federalists to all four of its seats in the lower house. In 1808 and 1809, the county elected Republicans to all four delegate seats. (The New Nation Votes Project, American Antiquarian Society.) Quotes from Ab[raha]m Shriver to Andrew Shriver, January 14, 1809; Daniel Philip Lange to Andrew Shriver, September 4, 1809; Ab[raha]m Shriver to Andrew Shriver, March 21, 1810; and D. P. Lange to [Andrew Shriver], August 26, 1811, Shriver Family Papers, 1774–1957, box 3, MS2085, Maryland Historical Society [MdHS]. Ab[raha]m Shriver to Jacob Shriver, October 2, 1811, box 4, MS 2085, *ibid.*
3. *Federal Republican* quoted in Charles G. Steffen, *The Mechanics of Baltimore: Workers and*

Politics in the Age of Revolution 1763–1812 (Urbana and Chicago: University of Illinois Press, 1984), 243, reprinted in the *Baltimore Whig*, June 23, 1812.

4. *Weekly Register*, 2, no. 43 (June 27, 1812), 283–84.

5. For examples of the historiographical focus on the Republican political press, see Jeffery L. Pasley, “*The Tyranny of Printers*”: *Newspaper Politics in the Early American Republic* (Charlottesville: University of Virginia Press, 2001); and Sean Wilentz, *The Rise of American Democracy: Jefferson to Lincoln* (New York: W. W. Norton, 2005).

For an example of scholarship dismissing editorial communication, see Trish Loughran, *The Republic in Print: Print Culture in the Age of U.S. Nation Building, 1770–1870* (New York: Columbia University Press, 2007), xvii–xix. For examples of partisan intercommunication, see Pasley, “*Tyranny of Printers*,” 50; Jeffery L. Pasley, “1800 as a Revolution in Political Culture: Newspapers, Celebrations, Voting and Democratization in the Early Republic,” in James Horn, Jan Ellen Lewis, and Peter S. Onuf, eds., *The Revolution of 1800: Democracy, Race, and the New Republic* (Charlottesville: University of Virginia Press, 2002), 142; and David Hackett Fischer, *The Revolution of American Conservatism: The Federalist Party in the Era of Jeffersonian Democracy* (New York: Harper & Row, 1965), 129–49.

6. Andrew W. Robertson, “‘Look on This Picture . . . And on This!’: Nationalism, Localism, and Partisan Images of Otherness in the United States, 1787–1820,” *American Historical Review*, 106 (2001): 1272.

7. Alan Taylor, *The Civil War of 1812: American Citizens, British Subjects, Irish Rebels, & Indian Allies* (New York: Vintage Books, 2011), 117; Donald R. Hickey, *The War of 1812: A Forgotten Conflict* (Urbana and Chicago: University of Illinois Press, 1989), 21; James H. Broussard, *The Southern Federalists, 1800–1816* (Baton Rouge: Louisiana State University Press, 1978), 95; Dorothy M. Brown, “Embargo Politics in Maryland,” *Maryland Historical Magazine*, 58 (1963): 199–200; John S. Pancake, “Baltimore and the Embargo 1807–1809,” *ibid.*, 47 (1952): 178; United States, “Registered seamen for the years 1806 and 1807. Communicated to the House of Representatives March 1, 1808,” *American State Papers*, Commerce and Navigation I, 10th Congress, 1st Session, 724–25; Rosemarie Zagarrri, *Revolutionary Backlash: Women and Politics in the Early American Republic* (Philadelphia: University of Pennsylvania Press, 2007), 95.

8. *New York Evening Post*, April 27, 1808; Trenton Federalist, n.d., reprinted in *ibid.*, October 29, 1808; Bradford Perkins, *Prologue to War: England and the United States 1805–1812* (Berkeley: University of California Press, 1961), 158.

9. *Baltimore North American*, November 11, 1808; Fischer, *The Revolution of American Conservatism*, 369; *Providence Phoenix*, March 28, 1807; *Baltimore Evening Post*, June 24, 1808; Joseph M. Adelman, “The Business of Politics: Printers and the Emergence of Political Communications Networks, 1765–1776” (Ph.D. diss., Johns Hopkins University, 2010), 148. For more on the important connection between printers and politics, see Andrew W. Robertson, “‘Look on This Picture . . . And on This!’” 1263–80; Jeffery L. Pasley, “The Two National ‘Gazettes’: Newspapers and the Embodiment of American Political Parties,” *Early American Literature* 35, no. 1 (2000): 51–86; and David Waldstreicher, “Rites of Rebellion, Rites of Assent: Celebrations, Print Culture, and the Origins of American Nationalism,” *Journal of American History*, 82 (1995), 37–61; Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (London and New York: Verso, 1991).

10. *Baltimore Federal Republican*, July 4, 1808; Hickey, *The War of 1812*, 57.

11. *Baltimore Federal Republican*, July 4, 8, and 13, 1808.

12. *Philadelphia American Register*, 5 (January 1, 1809), 85; *Baltimore Federal Republican*, September 9 and 21, 1808; *ibid.*, July 20, 1808.

13. *Baltimore Federal Republican*, July 7, 1809; September 14 and 21, 1808; 1 January 1810; and July 13, 1808. Carolyn Eastman makes a similar argument about editors in the 1830s. See Carolyn Eastman, *A Nation of Speechifiers: Making an American Public after the Revolution* (Chicago: University of Chicago Press, 2009), 199.
14. *Baltimore Federal Republican*, October 19, July 18, October 10, and July 4, 1808.
15. John Thomas Guertler, "Hezekiah Niles: Wilmington Printer and Editor," *Delaware History*, 17 (1976-77): 39-41; *Baltimore Evening Post*, October 6, 1810, and February 18, 1806.
16. *Baltimore Evening Post*, June 16 and 17, 1809; July 14, 1809; and October 8, 1806. For more on political satire, see George L. Roth, "Verse Satire on 'Faction,' 1790-1815," *William and Mary Quarterly*, third series, 17 (1960): 473-85; William L. Nance, "Satiric Elements in Brackenridge's Modern Chivalry," *Texas Studies in Literature and Language*, 9 (1967): 381-89; and Colin Wells, "Aristocracy, Aaron Burr, and the Poetry of Conspiracy," *Early American Literature*, 39, no. 3 (2004): 553-76.
17. *Providence Phoenix* quoted in the *Baltimore American*, December 10, 1808; *Albany Register*, August 9, 1808; Frank A. Cassell, "The Structure of Baltimore's Politics in the Age of Jefferson, 1795-1812," in *Law, Society, and Politics in Early Maryland: Proceedings of the First Conference of Maryland History, June 14-15, 1974*, ed. Aubrey Land, Lois Carr, Edward Papenfuse, and Morris Radoff (Baltimore: Johns Hopkins University Press, 1977), 292; The New Nation Votes Project; Victor Sapio, "Maryland's Federalist Revival, 1808-1812," *Maryland Historical Magazine*, 64 (1969): 2; L. Marx Renzulli, *Maryland: The Federalist Years* (Rutherford, N.J.: Fairleigh-Dickinson University Press, 1972), 249-50; Broussard, *The Southern Federalists*, 106-7; Taylor, *The Civil War of 1812*, 118.
18. *Baltimore Evening Post*, December 22, 1808, and June 29, 1809.
19. Adelman, "The Business of Politics," 147; Philip R. Schmidt, *Hezekiah Niles and American Economic Nationalism: A Political Biography* (New York: Arno Press, 1982), 23-24; Hezekiah Niles, *Things as They Are; or, Federalism turned inside out!* (Baltimore: Printed at the office of the *Evening Post* by H. Niles, 1809), 37, 39, and 42.
20. Broussard, *The Southern Federalists*, 122; Archibald Henderson to John Rutledge Jr., January 17, 1808, quoted in *ibid.*, 109.
21. *Baltimore Federal Republican*, November 30, 1808; Abraham Shriver to Andrew Shriver, January 14, 1809, Shriver Family Papers, 1774-1957, box 3, MS 2085, MdHS; Daniel Philip Lange to Andrew Shriver, September 4, 1809 in *ibid.*; Daniel Philip Lange to Andrew Shriver, September 4, 1809, and August 26, 1811, *ibid.*
22. *Baltimore Federal Republican*, April 21, 1809. See also *ibid.*, October 3, 1809.
23. *Baltimore Federal Republican*, October 6 and 18, 1810; Fischer, *The Revolution of American Conservatism*, x-xix.
24. *Fredericktown Herald* reprinted in the *Baltimore Evening Post*, May 15, 1810; *Virginia Patriot* reprinted in the *Baltimore American*, January 10, 1811.
25. *Baltimore Federal Republican*, May 17, 1810.
26. *Charleston Courier*, quoted in the *Baltimore American*, July 7, 1812; Donald R. Hickey, "Federalist Party Unity and the War of 1812," *Journal of American Studies*, 12 (1978): 24.
27. Paul A. Gilje, *The Making of the American Republic 1763-1815* (Upper Saddle River, N.J.: Pearson Education Inc., 2006), 282; *Baltimore Whig*, June 23, 1812; Hickey, *The War of 1812*, 59; Alexander Contee Hanson to Robert Goodloe Harper, July 6, 1812, in Robert Goodloe Harper Papers, Manuscript Division, Library of Congress (LOC); Steffen, *The Mechanics of Baltimore*, 244; *An Exact and Authentic Narrative, of the Events which took place in Baltimore, on the 27th and 28th of July last carefully collected from some of the sufferers and eyewitnesses to which is added a Narrative of Mr. John Thomson, one of the unfortunate sufferers, &c.* (United

- States: s.n.], 1812), 63; Paul A. Gilje, *Rioting in America* (Bloomington: Indiana University Press, 1996), 60, 62–63.
28. Hickey, *The War of 1812*, 63–66; Steffen, *The Mechanics of Baltimore*, 246; Gilje, *Rioting in America*, 62–63.
29. Hickey, *The War of 1812*, 68; A. Robinson to James McHenry, August 12, 1812, War of 1812 Collection, MS 1846, Military Correspondence, MdHS; Alexander Contee Hanson to [E. J.] Coale, [1812], Alexander Contee Hanson Papers, 1737–1877, MS 408, MdHS; Alexander Contee Hanson to unknown, April 4, [?], Edward Dorsey Collection, 1799–1849, MS 2249, MdHS.
30. Nathaniel Macon to Joseph H. Nicolson, June 24, 1812, Joseph H. Nicholson Papers, Manuscript Division, LOC; John Tyler to Joseph H. Nicholson, October 24, 1812, *ibid.*; *National Intelligencer* quoted in the *Baltimore American*, January 5, 1813.
31. *Baltimore Sun*, October 26, 1812; Alexander Contee Hanson to [E. J.] Coale, February 11, 1813, Alexander Contee Hanson Papers, 1737–1877, MS 408, MdHS; *Georgetown Federal Republican*, April 12, 1813; *Baltimore Patriot*, December 30, 1813; *Weekly Register* 3, no. 76 (February 13, 1813), 378.
32. Gilje, *The Making of the American Republic*, 284 and 298; the *Alexandria Herald* reprinted in the *Baltimore Sun*, September 10, 1812; David Shriver to John Shriver, September 21, 1812, Shriver Family Papers, 1774–1957, MS 2085, box 4, MdHS; *Weekly Register* 3, no. 58 (October 10, 1812), 96; Renzulli, *Maryland*, 287–88.
33. See the *Albany Argus*, June 4, 1813; *Elizabethtown [New Jersey] Journal*, May 25, 1813; and *New York Public Advertiser*, February 2, 1813.
34. Renzulli, *Maryland*, 298, 307–8; *Baltimore American*, July 20, 1813; *Baltimore Patriot*, July 12, 1813, November 21, 1814, October 2, 1813, August 16, 1813, and September 29, 1813.
35. Renzulli, *Maryland*, 309–10; Hickey, *The War of 1812*, 232–33.
36. *Baltimore Patriot*, September 26, 1814, October 10, 1814, and September 25, 1815.
37. Renzulli, *Maryland*, 296, 305.
38. *Ibid.*, 305–7; Josephine Fisher, “Francis James Jackson and Newspaper Propaganda in the United States, 1809–1810,” *Maryland Historical Magazine*, 30 (1935): 360–61; Joseph Herman Schauinger, “Alexander Contee Hanson, Federalist Partisan,” *ibid.*, 35 (1940): 361; Carl Brent Swisher, “Roger B. Taney and the Tenets of Democracy,” *ibid.*, 34 (1939): 210; Alexander Contee Hanson to unknown, January 14, 1818, Alexander Contee Hanson Papers, 1737–1877, MS 408, MdHS.
39. *Baltimore American*, August 12, 1814, and July 18, 1814; *Morristown Herald* quoted in *Baltimore Patriot*, December 28, 1814; *Petersburg [Virginia] Daily Courier*, October 29, 1814.
40. *Weekly Register* 2, no. 31 (April 4, 1812), 86; *ibid.* 3, no. 76 (February 13, 1813), 380; *ibid.* 3, no. 65 (November 28, 1812), 196.
41. *Ibid.* 1, no. 26 (February 29, 1812), 465; *ibid.* 5, no. 118 (December 4, 1813), 240; H. Niles to William Darlington, January 12, 1815, William Darlington Correspondence, 1801–1834, Manuscript Division, LOC.
42. *Weekly Register* 6, no. 147 (June 25, 1814), 277. H. Niles to William Darlington, January 3, 1820, William Darlington Correspondence, 1801–1834. See also *Weekly Register* 2, no. 27 (March 7, 1812), 7–8.
43. *Weekly Register* 1, no. 1 (September 7, 1811), 2; *ibid.* 2, no. 31 (4 April 1812), 86.
44. *Weekly Register* 1, no. 1 (September 7, 1811), 16; Norval Neil Luxon, *Niles’ Weekly Register: News Magazine of the Nineteenth Century* (Baton Rouge: Louisiana State University Press, 1947), 6, 8, 12. For more on Niles’ circulation, see Lester J. Cappon, “American Historical Editors before Jared Sparks: ‘they will plant a forest...’” *William and Mary Quarterly*, 30 (1973): 394–95; *Weekly Register* 3, no. 78 (February 27, 1813), 416; *ibid.* 3, no. 75 (February 6, 1813), 353;

- ibid. 2, no. 52 (August 29, 1812), 417; *ibid.* 17, no. 440 (February 12, 1820), 415; John Adams to Hezekiah Niles, February 27, 1817, and April 28, 1817, Vertical File, MdHS.
45. *Baltimore Patriot*, July 3, 1818; *New Jersey Journal*, February 6, 1816; *Weekly Register* 4, no. 88 (May 8, 1813), 168.
46. H. Niles to William Darlington, July 25, 1817, William Darlington Correspondence, 1801–1834, Manuscript Division, LOC; *Weekly Register* 2, no. 36 (May 9, 1812), 160; *ibid.* 7, No. 167 (November 19, 1814), 161; *ibid.* 3, no. 75 (February 6, 1813), 353.
47. Hezekiah Niles to D. Chambers, May 16, 1812, Hezekiah Niles Correspondence, 1812, Manuscript Division, LOC.
48. *Weekly Register* 1, no. 13 (November 30, 1811), 240; *Boston Repertory*, June 15, 1816.
49. Hickey, *The War of 1812*, 270–73; Ephraim Lock to Cyrus King, October 18, 1814, Cyrus King Papers, [ca. 1791–1817], MS 0713, Rare Book and Manuscript Library, Columbia University.
50. Robert Goodloe Harper to [Sullivan], November 3, 1814, Harper–Pennington Papers, 1701–1899, MS 431, Roll 2, MdHS; *Georgetown Federal Republican*, January 3, 1815; Hickey, *The War of 1812*, 277–78.
51. Scott quoted in Hickey, *The War of 1812*, 279; *Baltimore American*, March 7, 1815; Taney quoted in Renzulli, *Maryland*, 311–12.
52. *Weekly Register* 8, no. 204 (July 29, 1815), 369–73; *ibid.* 8, no. 190 (April 22, 1815), 121; *ibid.* 6, no. 131 (March 5, 1814), 1–4; *ibid.* 5, no. 116 (November 20, 1813), 198.
53. *Ibid.* 8, no. 191 (April 29, 1815), 138–39; *ibid.* 2, no. 43 (June 27, 1812), 285; *ibid.* 15, no. 368 (September 19, 1818), 59.
54. *Ibid.* 5, no. 112 (October 23, 1813), 127; *ibid.* 12, no. 312 (August 23, 1817), 401; *ibid.* 12, no. 307 (July 19, 1817), 321.
55. Drew R. McCoy, *The Elusive Republic: Political Economy in Jeffersonian America* (Chapel Hill: University of North Carolina Press, 1980), 134, 148, 159, 210–11; *Weekly Register* 6, no. 144 (June 4, 1814), 217; *ibid.* 8 (March–September 1815), 1. See also *Weekly Register* 6, no. 147 (June 25, 1814).
56. Hezekiah Niles to William Darlington, January 30, 1822 in William Darlington Correspondence, 1801–1834, Manuscript Division, LOC.
57. *New York Columbian*, February 4, 1814; *Wilmington American Watchman*, June 4, 1814; *Baltimore Patriot*, August 2, 1816 and August 22, 1816; *Washington National Intelligencer*, January 9, 1816; *Maryland Herald* quoted in the *Baltimore American*, August 21, 1815.
58. Alexander Contee Hanson to [Edward Johnson] Coale, [n.d.], *Alexander Contee Hanson Papers*, 1737–1877, MS 408, MdHS.
59. Hanson to Edward Johnson Coale, December 18, 1812, *ibid.*; Hanson to William Gaston, May 19, 1814, quoted in Schauinger, “Alexander Contee Hanson, Federalist Partisan,” 358, 362; Hanson to Robert Goodloe Harper, September 22, 1815, Harper–Pennington Papers, 1791–1899, MS 431, Roll 2, MdHS.

The above described property against all and every person or persons who
 may claim any title or right, past, present or future. This I do hereby certify,
 I have taken care to put my hands and affix my seal this fourth day of
 May 1832 before me as Justice of the Peace for the County of
 Allegany, State of Maryland. J. H. Shaw, J.P.
 John Shaw
 State of Maryland, Allegany County, To wit:
 On this 4th day of May 1832 before me out of the presence of the parties
 and for said party appears Merriam Shaw and acknowledges the
 following certificate of writing to be his act and deed according to
 the true intent and meaning thereof as the act of appearing to be
 made in forming Acknowledges Before
John Shaw, J.P.
 At the request of Benj. Gates the said manumission was made the 4th May 1832
 as all whom it may concern, be it known that I James Prather of Allegany
 County in the State of Maryland for some good causes the three last named
 as all in further consideration of the debts current amongst me and have
 been since released from that my liberated manumitted self free and by
 their parents as hereby released from slavery, tribute, manumitted and free
 my name Benj. Gates being of the age of forty one years able to work
 his own independent livelihood and maintenance and him the said Benj.
 manumitted Benj. Gates do declare to be henceforth free, innocent and
 discharged from all manner of servitude to serve me, my executors or
 administrators forever. This I do hereby certify, I have hereupon set
 my hand and affixed my seal this eighth day of March in the year of
 our Lord 1832.
 James Prather, J.
 John Shaw, J.
 Received on the day of the date, above mention of the sum of one
 dollar being the full consideration money above mentioned.
James Prather
 Allegany County State of Maryland, To wit:
 On this 4th day of March 1832, personally appeared James Prather Judge
 to the above Courtroom of writing before me the Justice of the Peace
 of the County of Allegany, State of Maryland and acknowledges
 the same to be his act and deed for the purposes above mentioned and
 the negro man above named to be henceforth manumitted and discharged
 from all service to him or to any claiming under him, and to be free
 and independent according to the Act of all the laws in such cases made &
 provided. Acknowledges Before
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Center: James Prather manumits Benjamin Gates, May 9, 1832, (Liber Q, page 9, Maryland State Archives.)

Constructing Lives: Free People of Color in Antebellum Cumberland, Maryland

CONSTANCE M. MCGOVERN

James Tibbs owned a clock. And some maps. And a few books. When he sat down to write his will in 1868, as a freed man he could look back at a well-lived, prosperous life. Emancipated in 1831, it was not long before he owned a piece of property in Cumberland, Maryland. Sometimes a whitewasher, occasionally a peddler, but mostly a common laborer, he had provided well for his family. Arianna, his wife of twenty-eight years, had worked alongside him as a servant and nurse. Now, at the age of fifty-eight, she still took in work as a seamstress. Their daughter and grandson lived with them, while their son-in-law was employed at a local hotel. In their earlier years, Arianna's mother had been part of their household.¹

James and Arianna Tibbs enjoyed the respect of many in the Cumberland community, black and white. Arianna, "being a free woman" of color, had traveled the ninety or so miles from Frederick, Maryland, to Cumberland in 1838. No mere itinerant traveler, she intended to settle in Cumberland, bringing bedding, a bureau and table, glassware, tea pot, and a "picture of our Savior," along with other household goods. In 1840 she married James Tibbs, gave birth to a daughter in 1844, and two years later a son. A decade after their marriage, she worked for a white neighbor, Margaret Black, often appearing as witness at the baptism of black children at Emmanuel Episcopal Church, Mrs. Black's congregation and a church that reserved a separate balcony for its black worshippers.²

James worked hard to sustain his family. In 1840, the year of his marriage, he bid successfully for several plots of land in the Cumberland area; seven years later he added another lot. In the immediate years following his manumission, he faithfully fulfilled the letter of the law that required a freed person to appear in court annually to gain permission to stay in the state and to solicit white witnesses as to his ability to earn a living. James sought, and won, the sponsorship of many a white resident of Cumberland. The Plummers and Lowndes attested to his good character, his neighbor James Black helped him identify available real estate, as did another neighbor Dennis Murphy. But, while he lived among white neighbors, James Tibbs also rose in the ranks of the emerging black community in Cumberland. When several other

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free men of color walked away from the local segregated congregation of Methodists to establish a black church, James was among the leaders.³

Four decades of labor, now as a free man, brought some personal wealth to James Tibbs. The land he had purchased in 1840 for \$130 increased in value to \$1,000 by 1870, and by that time he had accrued several hundred dollars of personal savings. His household goods, while hardly matching those of the wealthy, included those small symbols of luxury, literacy, and self-discipline—the clock, maps, and books. The very act of writing a will, moreover, attested to Tibbs's ambition, his ease with white bureaucracies, and his understanding of the ways in which he now could control his own domain, even after death.⁴

HISTORIANS HAVE LONG SCRUTINIZED the lives of free people of color such as James Tibbs. Some have concluded that life for free blacks took a "turn for the worse" in the antebellum period, when free blacks experienced only a "stunted, truncated form of freedom" and were "misfits" comprising a "third caste in a structure designed to accommodate only two." Whether dissecting communities in northern cities or analyzing the cultural mores of southern counties, others have characterized those free people of color as major actors in America's historical drama, actors exercising considerable control over the quality of their lives. Color consciousness, among blacks and as perceived by whites, and relative wealth or personal characteristics as the major components of standing in the black community have intrigued several. Were those closer to slavery more ambitious than free born blacks? Did lighter skin color envisage a different life trajectory? Whatever their approaches, historians today agree that there existed a "highly structured and dynamic community among antebellum free African Americans." The tasks are to understand the "variety, diversity, and nuances" of that community, to examine the changing multiplicity of factors that people of color drew upon to create their community, and to identify the strategies they used to construct their individual lives.⁵

The dynamics of a local economy like that of Cumberland, Maryland, and the intricacies of its culture in the antebellum era set forces in motion that shaped the lives of free people of color in the city and granted them an arena in which to take action on their own behalf. First, Cumberland, located at the western-most navigable point of the Potomac River, was perfectly positioned to become the center of the early transportation revolution when, in 1806, Congress, anxious to tie the new western states to the East, decided to construct a national road from Cumberland on the Potomac River to Wheeling on the Ohio. Before long this tiny western Maryland village of fewer than five hundred souls exploded with construction workers, tavern keepers, stable operators, blacksmiths, day laborers, and land speculators. Within a decade or so, the Maryland legislature had jumped on the transportation bandwagon, chartering canal and railroad companies. Secondly, Allegany County residents, and those of Cumberland, while living side by side with slaveholders, re-

mained skeptical of the merits of the system. Largely ignoring the more restrictive laws emanating from Annapolis, they traded their slaves among themselves, did not sell them South, and granted freedom at higher rates than in other parts of the state, thereby creating a more tolerable environment even for free blacks. Many of those manumitted stayed in the area; they trusted the deals they had negotiated with their former masters and saw the opportunities for work as the city's economy boomed. Longtime free black residents valued the contacts they had built with their white neighbors and the networks they had honed in their own community. Other free black Marylanders, much like Arianna Tibbs, sought out the favorable circumstances Cumberland offered. Attracted by these opportunities for work in this remote but promising hinterland, the free black population of the village doubled in size between 1810 and 1820 and continued to grow.⁶

Maryland had never made it easy for its free people of color, though. Driven by fears that free blacks would incite uprisings among the enslaved or encourage escapes, worried about economic competition, and desiring always to circumscribe the freedom of blacks, legislators in Annapolis passed an array of restrictive legislation over the course of the antebellum decades. No guns. No dogs. No buying of liquor. No operating a boat unless under the supervision of a white. No sale of meats and grains without written permission from a white. No travel unless consented to by the county justices. Court-ordered apprenticeships wrenched "indolent children" from their parents; criminal offenses brought re-enslavement. No black preachers at camp meetings; no preaching at all after ten o'clock in the evening; no black leaders of public assemblies. Free people of color throughout the state often found "their mobility curbed, their economic opportunities limited, and their civil rights all but obliterated," as Ira Berlin has so aptly noted. Some of these laws were honored more in the breach than in the observance in this western part of Maryland, but such obstacles remained.⁷

Despite these many restrictions, men like James Tibbs took advantage of the robust economic growth that Cumberland enjoyed. Work abounded for the able-bodied immigrants and free blacks alike who filled a gap that a sparse enslaved workforce had never been able to meet in this far western county. Free blacks in particular scrounged work wherever and whenever they could. They bought property, organized churches, set up apprenticeships for their children, built alliances with white Marylanders, and used the courts to test the limits of the law and to guarantee their property rights. This interplay of a particular regional prosperity, local racial attitudes, and black ambitions over several decades adds to our understanding of the numerous strategies free people of color employed in constructing their lives and pursuing the promises of American society.

Life for James Tibbs had not always held that promise. Tibbs had been born into slavery in Allegany County, Maryland. Slaves in this far-flung, mountainous part of the state experienced an isolation arising out of their small numbers and the vast

distances between farms and villages. Only eight hundred or so slaves lived among a population of about 10,000 in 1830, when the most common living arrangement was that of one slave living alone in a master's family. The few slave families that managed to exist were always in peril when every sale meant a family torn asunder and where Alleganian slaveholders bought and sold their slaves among themselves at unparalleled rates.⁸

For years Tibbs had worked the land for William Iams. Although Iams used enslaved labor for several decades, he was no diehard defender of the system. Rather, like his neighbors, he was a pragmatic man. Iams's land, just north of Cumberland, straddled the boundary between Maryland and Pennsylvania. Indeed, the entire northern border of Allegany County lay along that Mason Dixon line, a line over which many a slave had disappeared. Iams followed the local customs to encourage loyalty among his slaves. He refused to sell them to the deep South and ignored efforts to send freed men and women to Liberia. Instead, he haggled and cajoled his slaves to stay loyal, promising that freedom would be theirs—eventually. The Iams family sold a slave or two but only to local buyers. For others, they promised freedom at a specific age. William Iams and James Tibbs had forged an understanding that granted Tibbs his freedom in 1831 at the age of twenty-six.⁹

The bargaining paid off. James Tibbs, like many of the freed black population of western Maryland in the antebellum era, emerged from bondage benefiting from this peculiar kind of slavery practiced in Allegany County and in its most prominent city. Cumberland's free blacks over the next several decades constructed their lives within this convergence of social and economic conditions distinctive to the city and surrounding countryside. Western Maryland, lacking that stringent slave culture but developing a diversified economy, looked not to the South but to the West. The number of free blacks in the county was always small, just over four hundred in 1850 and never more than 5 percent of the entire population. The bulk of these free blacks, nearly 70 percent in each decade, lived and worked in Cumberland. Their numbers in the city had grown from a mere sixty-five in 1840 to just over seven hundred by 1870. Yet, they posed little or no threat to the local social order because, despite their relatively small numbers, they provided a labor force much needed in this sparsely populated part of the state.¹⁰

Having navigated the first lessons of the canons of the white world, James Tibbs chose to cast his lot in this familiar place, the thriving village of Cumberland. He joined others who had opted to stay as well; Allegany County free people of color remained in the area at far higher rates than blacks in many another urban or rural districts, north or south. Elsewhere, Americans were on the move. Barely a quarter of the population remained in place from census to census. Wherever one looked, in the townships of Kansas, the streets of Philadelphia, or on the farms of Loudon County, Virginia, free blacks joined this "extraordinarily volatile" group of people who moved from place to place. In Boston, Buffalo, and Cincinnati, "only 5–8 percent

of the African American men" who lived in those cities in 1850 remained a decade later. Not so in Allegany County or in the city of Cumberland. Half of the free blacks who lived in the county in 1840 continued to make their livelihoods in those mountains in 1850. But not all were immune to the spirit sweeping the country; during the 1850s more ventured out and, by 1860, only about one-third had persisted, despite a booming local economy.¹¹

Although their rate of persistence decreased, oddly enough, it was still those free blacks who were the most stable part of the population in the county and especially in the Cumberland community. From 1850 to 1860, 34 percent of Cumberland free blacks plied their trades and raised their families in the city; only 21 percent of white native-born Marylanders, 12 percent of the Germans, and 9 percent of the Irish settled in for even a decade. Remarkable numbers of these Cumberland freed blacks elected to stay. Born out of the experiences of a slave life where understandings were forged and promises often kept, and being familiar with the mores of the local white culture, they grasped the opportunities that a flourishing economy offered.¹²

James Tibbs had made that choice and he had chosen well. Cumberland already bustled with activity and opportunity in the 1830s. Despite its location in a southern slave state, Cumberland's prosperity rested on that east-west thrust of its economy and the emerging transportation revolution. As early as 1812 that National Road had established the village as the "gateway to the west," and many other roads soon followed. Stagecoach makers and wagon drivers, saddlers and stable keepers hustled to keep Pennsylvania turkeys moving toward Wheeling and the cattle, pigs, mules, and sheep of Ohio, Indiana, and Illinois on their way to Baltimore markets. Coopers, tanners, and blacksmiths supplied services and goods. Hotels, taverns, and inns sprang up at every milepost, while breweries and the occasional "house of pleasure" granted a different kind of accommodation. News of the chartering of the Chesapeake & Ohio Canal in 1824 and the Baltimore & Ohio Railroad in 1827 had set off a flurry of land speculation that would not ebb for decades. Many a fortune was made and lost, banks came and went, but still, horses had to be fed, streets swept, walls whitewashed, houses cleaned, meals served, stables scoured, fires stoked. Work for free blacks abounded as the population of Cumberland doubled and then doubled again. It had taken James Tibbs as a common laborer only nine years in this frenetic marketplace to accrue enough cash to buy some property, set up an independent household, and feel confident enough to marry. He had established his stake in this society.¹³

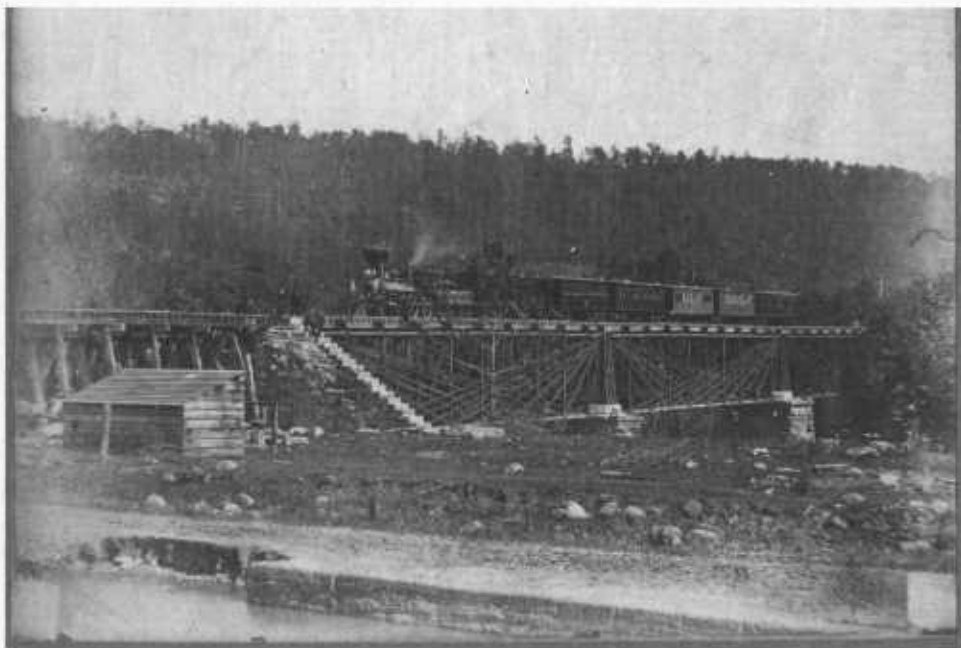
It would only get better. The railroad arrived in 1842 and finally, in 1850, the canal. "From the mountain tops and valleys," men, women, and children gathered in Cumberland on a bright day in November 1842 to watch the arrival of the "wonderful locomotive" and, a few years later in October 1850, the launching of the first canal boat, "The Cumberland." One spectator rejoiced that this "broad, beautiful sheet of water," was an expanse "upon whose deep bosom a merchantman may float." Not only

did these events signify the "inauguration of a new era in the history of the town," they solidified Cumberland's "enormous transfer business." This meeting place, this hub, where the National Road, B&O Railroad, and C&O Canal met, garnered the city's place as the "most important center between the Atlantic Ocean and the Ohio River." If there had been work for the largely unskilled black laborer before 1842 in Cumberland, now those opportunities multiplied dramatically. Someone had to ferry the pig iron to the canal banks, shovel the coal and limestone onto the barges and railroad cars, and lade the boats with flour, butter, bacon, nails, bricks, hemp, flax, whiskey, and cider. Others manned those canal boats, mastering the art of "blowing the horn" to summon the lock keepers. Wharf work abounded. Warehouses multiplied. Cumberland's economy boomed, spawning furniture makers, carriage factories, foundries, cement works, and railroad repair shops. Innkeepers needed hostlers, stable owners employed blacksmiths, merchants hired deliverymen, hotels required waiters, and successful businessmen took on servants.¹⁴

As Cumberland's fortunes soared, several other freed blacks took advantage of that same familiarity with the area, level of comfort with their neighbors, and diversity of the local economy that James Tibbs had. The Robinson brothers, Eli and Henry, gained their freedom in 1849 when the most prominent and successful land speculator in the county, John Hoyer, released them from bondage. Earlier Hoyer had entrusted several lots of city land to their mother Phoebe for the "sole and exclusive use and benefit" of Henry and Eli once they were free. Henry, already the father of three children in 1850, proved a good steward. His steady work as a drayman, common laborer, and sometimes wharf worker doubled the value of his land over the next two decades.¹⁵

Eli had a harder time of it at first. His wife Elizabeth had gained her freedom within months of Eli's, but her mother, Harriet Graham, remained in bondage. Eli promptly left the area for six months, apparently in search of work and cash to buy Graham's freedom. After joining the Robinson household, Graham earned her keep by taking in laundry. Elizabeth bore six children in the next eighteen years and carried her share of the family's financial welfare by taking in boarders over those years. Meanwhile, Eli, like his brother, found unskilled work as a laborer and waiter, patched together several plots of land, and proved savvy in deriving profits from leasing some of those lots. By 1852 he had set up annuities of twenty dollars a year for both his mother and his mother-in-law and created a trust that guaranteed the profits from his land for the support of his wife and children.¹⁶

The Robinson brothers, of course, had a leg up—John Hoyer's gift to their mother. But with or without such benefactors, the free blacks of Cumberland acquired property in larger proportions than free blacks in northern cities such as Philadelphia, several smaller communities in New York, or in the more rural areas of Virginia and Maryland. Real estate in those areas came into the hands of only 2–6 percent of people of color at mid-century. On the other hand, 10 percent of free black men



This train is on a Bollman Bridge, named after Baltimore engineer Wendell Bollman. The B&O Railroad used hundreds of bridges in this style. As the railroad moved west, so did the opportunities for economic growth for businesses and individuals. (Maryland Historical Society.)

living in Cumberland in 1850 owned some real property. Moreover, although in the neighboring counties of Washington and Frederick, Maryland, more free blacks owned property than those in Allegany, the property owned by Cumberland blacks was twice as valuable. By 1860, they had outdone their fellow black Marylanders: 18 percent of the black heads of households in the city had moved into the propertied class and, ten years later, nearly 25 percent of this local black community owned a house or land.¹⁷

This remarkable success can be attributed to particular aspects of life in antebellum Cumberland. As in other areas of the Upper South, western Maryland slaveholders frequently gave material goods to their former slaves and assisted them in registering their deeds of manumission. Few received the kind of boost Hoyer gave Eli and Henry Robinson, but others bestowed smaller gifts to increase their former slaves' ability to make a living, such as livestock, bedding, tools, cash and, in one case, a house that they might "remove to their own premises." Only a handful of slaves had to buy their own freedom. Dozens more became free by paying their former masters a token amount—\$1 or \$5 or as little as a cent or two. At least for some freed blacks, this paternalism eased their transition to economic independence. In the process, many acquired an ease with the surrounding white society, first, from their daily negotiations with former masters and then from their early contacts with the court

system. Maryland required newly freed blacks to obtain official permission to stay in the state year by year and seek sponsorship if they wished to leave to visit relatives or search for work, as Eli Robinson had. Ironically, as freed blacks set out on their new lives, the very system that sought to limit their mobility offered them increased contact and a growing familiarity with the bureaucracies of the white world. Finding their way into the courts in Cumberland, they filed their petitions to stay, asked leave to travel, registered their manumission papers, recorded their land transactions and generally acted as stakeholders in their world.¹⁸

Even more specific to the relative well-being of free blacks in Cumberland were changing economic developments specific to this city in the 1850s. The city's general prosperity had drawn Irish immigrants as it had attracted black freedmen. The Irish arrived with the railroad and the canal. They had laid the beds and dug the ditches, and had followed the construction routes along the Potomac, arriving in Cumberland, some 890 in number, by 1850. Nearly every Irish man was a common laborer, and if upon arrival he was building those rails and constructing those canals, when that work came to an end, he would have been competing for the same types of unskilled work that most blacks sought or, at least, were offered.¹⁹

In community after community, the influx of Irish had challenged the status and economic well-being of local free blacks. Alarms about "rebellious and lawless" behavior, suspicions about papal control, and worries about political corruption slowed only slightly the intrusion of the Irish into the work world of the free black. In larger cities, where blacks had moved into the more skilled craft and building trades, Irish men ousted black competition. Because many Irish "sought any kind of employment, regardless of wages or conditions," they quickly "displaced blacks as domestic servants, waiters, and common laborers" in these communities as well. It is no wonder that Frederick Douglass in 1855 lamented: "every hour sees us elbowed out of some employment."²⁰

In Cumberland, though, many of the Irish hands did not stay on once the rail bed was finished and the canal opened. By 1860, the number of Irish in Cumberland was nearly halved from a decade earlier, and those who remained made their livings not as unskilled workers but as carpenters, butchers, shoemakers, tailors, farmers, and boilermakers. In other cities, the Irish and blacks had competed for unskilled work, almost always to the detriment of the black worker, but in Cumberland, after 1850, the flight of the Irish menial worker preserved the city's service sector and its underlying need for day labor for the black worker. Although the more lucrative fields of employment may not have been open to Cumberland's black workforce, the very basis of financial security, their steady employment, was preserved.²¹

In a tiny village ten miles up the mountain from Cumberland, another handful of black families lived in the outpost of Frostburg. The National Road had focused the local village economy on the transportation business there, as it had in Cumberland. A few black men worked on farms or in the various ancillary jobs at the inns and

taverns along the road. Business was brisk on the road. Highland Hall on the main thoroughfare, just one of several inns along the route, welcomed between thirty and forty stage coaches daily and offered accommodations for three hundred guests. Free black men such as Joseph Cooper had found enough work to be able to purchase his wife, son, and daughter out of slavery as well as buy some land. But Frostburg was no Cumberland, and change was afoot. Agriculture and transportation were about to give way to coal mining, which radically altered the demographic makeup of the countryside and diminished the economic opportunities for black men.²²

Frostburg lay in the middle of the George's Creek valley, a valley that contained some of the best bituminous coal in the country. Enthusiasts predicted that "each square mile of the principal vein would supply five hundred tons of coal per day for five hundred years" and it all lay near the surface. As early as 1828, Maryland had passed enabling legislation for incorporating coal companies, but it was the arrival of the railroad and the canal that spurred the explosion of the coal industry and transformed the economy of the entire area. By 1850, thirty coal companies dominated the valley and what had been "a single forest through which wound a roadway scarcely wide enough to allow a wagon to pass" became "one continuous street and town, twenty miles in length, inhabited by miners and their families." Those involved in agricultural pursuits dropped from 52 percent to a mere 7 percent between 1840 and 1860, and by that date only one-third of the population was American-born and only 20 percent were native Marylanders. The burgeoning towns were company towns, and the companies did not hire black workers. As the Frostburg area boomed with coal production, it was no longer an opportune place for black men. Joseph Cooper, for one, sold his land, packed up his goods, and trekked off to Detroit, where he could more easily support his family as a plasterer and whitewasher.²³

Cooper's daughter Charlotte stayed behind, and therein lies yet another example of the impact of local economics and culture that created fortuitous circumstances for some free blacks in this area. Excluded from the mines and seeing their prospects dim in the waning agricultural economy, other black men like Cooper began to seek opportunity elsewhere. Black women had different options. At first glance, in Frostburg in the 1850s it appeared that times had turned down for black women as well. The proportion of women-headed black households multiplied at an alarming rate in that decade, but closer observation shows that those women who accounted for the increase had purposefully moved to the George's Creek valley to take on work. Each and every woman came to town as a washerwoman. Although they faced competition from a handful of white laundresses already in residence, there was plenty of work to be had as the valley filled up with miners, puddlers, merchants, shoemakers, carpenters, brick makers, and railroad clerks. These women were on the move and as skillful as many a black man in negotiating their place in a booming economy. Among them were Julia Bigers who had tried her luck in Cumberland but returned to the Frostburg area as word spread about the better prospects for work for women

system. Maryland required newly freed blacks to obtain official permission to stay in the state year by year and seek sponsorship if they wished to leave to visit relatives or search for work, as Eli Robinson had. Ironically, as freed blacks set out on their new lives, the very system that sought to limit their mobility offered them increased contact and a growing familiarity with the bureaucracies of the white world. Finding their way into the courts in Cumberland, they filed their petitions to stay, asked leave to travel, registered their manumission papers, recorded their land transactions and generally acted as stakeholders in their world.¹⁸

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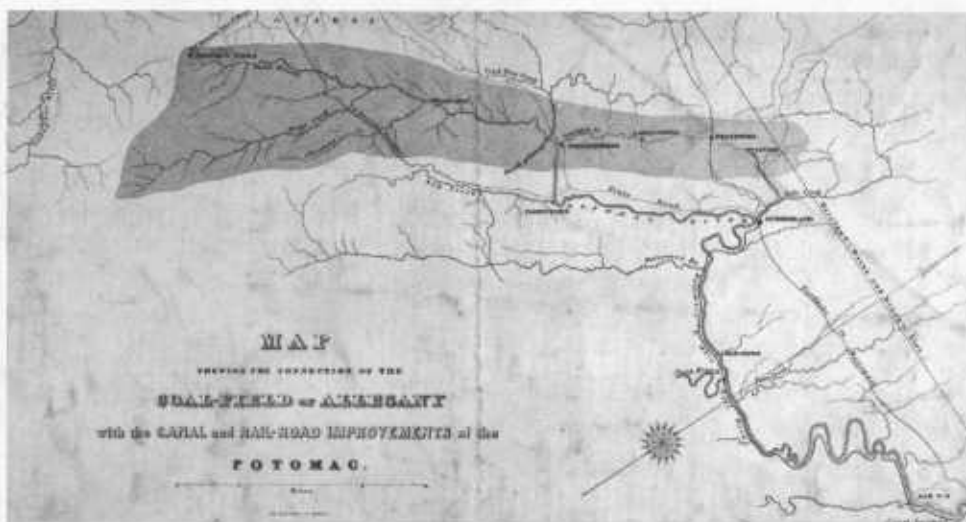
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In a tiny village ten miles up the mountain from Cumberland, another handful of black families lived in the outpost of Frostburg. The National Road had focused the local village economy on the transportation business there, as it had in Cumberland. A few black men worked on farms or in the various ancillary jobs at the inns and

taverns along the road. Business was brisk on the road. Highland Hall on the main thoroughfare, just one of several inns along the route, welcomed between thirty and forty stage coaches daily and offered accommodations for three hundred guests. Free black men such as Joseph Cooper had found enough work to be able to purchase his wife, son, and daughter out of slavery as well as buy some land. But Frostburg was no Cumberland, and change was afoot. Agriculture and transportation were about to give way to coal mining, which radically altered the demographic makeup of the countryside and diminished the economic opportunities for black men.²²

Frostburg lay in the middle of the George's Creek valley, a valley that contained some of the best bituminous coal in the country. Enthusiasts predicted that "each square mile of the principal vein would supply five hundred tons of coal per day for five hundred years" and it all lay near the surface. As early as 1828, Maryland had passed enabling legislation for incorporating coal companies, but it was the arrival of the railroad and the canal that spurred the explosion of the coal industry and transformed the economy of the entire area. By 1850, thirty coal companies dominated the valley and what had been "a single forest through which wound a roadway scarcely wide enough to allow a wagon to pass" became "one continuous street and town, twenty miles in length, inhabited by miners and their families." Those involved in agricultural pursuits dropped from 52 percent to a mere 7 percent between 1840 and 1860, and by that date only one-third of the population was American-born and only 20 percent were native Marylanders. The burgeoning towns were company towns, and the companies did not hire black workers. As the Frostburg area boomed with coal production, it was no longer an opportune place for black men. Joseph Cooper, for one, sold his land, packed up his goods, and trekked off to Detroit, where he could more easily support his family as a plasterer and whitewasher.²³

Cooper's daughter Charlotte stayed behind, and therein lies yet another example of the impact of local economics and culture that created fortuitous circumstances for some free blacks in this area. Excluded from the mines and seeing their prospects dim in the waning agricultural economy, other black men like Cooper began to seek opportunity elsewhere. Black women had different options. At first glance, in Frostburg in the 1850s it appeared that times had turned down for black women as well. The proportion of women-headed black households multiplied at an alarming rate in that decade, but closer observation shows that those women who accounted for the increase had purposefully moved to the George's Creek valley to take on work. Each and every woman came to town as a washerwoman. Although they faced competition from a handful of white laundresses already in residence, there was plenty of work to be had as the valley filled up with miners, puddlers, merchants, shoemakers, carpenters, brick makers, and railroad clerks. These women were on the move and as skillful as many a black man in negotiating their place in a booming economy. Among them were Julia Bigers who had tried her luck in Cumberland but returned to the Frostburg area as word spread about the better prospects for work for women



Map Shewing the Connection of the Coal-field of Allegany with the Canal and Rail-Road Improvements of the Potomac. E. Weber & Co. *The shaded area of this map shows where the easily accessible coalfield was located in relation to the many waterways, the canal, and the railroad in Allegany County.* (Maryland Historical Society.)

in this mountain village. Others, like Tamar Brown, who had recently gained her freedom, decided to remain in this familiar and promising place.²⁴

The culture and social demographics of Frostburg and the surrounding countryside did not prove entirely kind to all free women of color. Those who sought work as domestic servants, another traditional area of employment for black women, found that avenue closed to them in Frostburg. Seventy people in the immediate Frostburg area made their living as servants in the 1850s; only one of those was a free black. Three-quarters of those white servants worked in homes owned by people who had migrated from Pennsylvania, New York, and a few other northern states or emigrated from the British Isles or Germany. Whether from lack of experience, habit, or from racial prejudice, few in this polyglot burgeoning population of the George's Creek valley hired black domestic servants—at least not free black women. Even though the George's Creek area also boasted a strong iron industry and prosperous brick making establishments, in the 1850s its relative lack of economic diversification, its company towns, and its overwhelmingly immigrant and non-Maryland born population limited the fortunes of many a free black person.²⁵

Cumberland offered much better prospects. Indeed, it was in Cumberland that Charlotte Cooper finally settled after the rest of her family had set out to find greater opportunities in Michigan. By 1860 she had found work as a domestic servant in the home of a wealthy retired naval officer. She had joined the ranks of free blacks who lived outside the black family unit. About 20–25 percent of Cumberland free blacks lived and worked in white households, not unlike free people of color in

other cities, large towns, or rural areas throughout the country before the Civil War. Although some historians have found that many white employers preferred their house servants to be of mixed race and their laundresses older and of darker skin, Cumberland homeowners showed no such preferences.²⁶

More importantly, from the perspective of the black domestic servant, were the circumstances that dictated the quality of life in those households. Living apart from one's spouse or children created its own hardship, as it did for Wesley Bates, the son-in-law of James and Arianna Tibbs who worked and lived in that local hotel. But Cumberland was a small community tightly tucked into the hills of this northern Potomac valley. Contact was easily maintained. Like Bates, many worked as servants with several other free blacks in hotels and merchant establishments and enjoyed one another's companionship. Only about one-fifth lived as the sole black in a white household but, again, the close proximity of other people of color was part of their daily experience in the city as well.

More problematic were the lives of those who resided in the homes of slaveowners. Priscilla McKaig, wife of one of the most prominent lawyers and businessmen in the city, and a woman who believed the Civil War was "nothing but a Negro war killing all the white men off to save the negro," showed little respect for her servants, black or white, slave or free. Always harping, she complained daily about her servants' laziness, unreliability, sloppiness of work, or lack of punctuality. No one could please her. One servant was "dull and lazy," another "miserably slow." It is of little surprise to find that her enslaved servants either shirked work or absconded on a fairly regular basis, or that her other servants' sojourns in her home were short-lived. As historians have pointed out, such close proximity between the free and the enslaved as Priscilla McKaig practiced reinforced free black life as a mere "anomalous adjunct" to slave life in the minds of some white slaveholders.²⁷

Mary Hoyer, a woman of equally "decided opinions," created quite a different atmosphere in her home. She had been in complete agreement with her husband John when he allocated land for the Robinson brothers, and she treated her bonded servants with respect, having them join in the household's morning prayers. Ending those daily sessions with the entreaty, "Lord, make them free in their souls and in their bodies," she did more than pray. As a widow, she not only manumitted the remainder of the family slaves well before the expiration of their terms, she rejected the provisions of her husband's will in order to use the land revenues to establish a school for black children rather than to support herself. She was interested, too, in funding the African Missionary Society "for the purpose of converting and Christianizing the African Race." And while her paternalism is hard to ignore, Mary Hoyer was far closer to respecting the dignity of her former slaves, now freed people, than the Priscilla McKaigs of the Cumberland world ever were.²⁸

Others, such as the Hillearys, McCartys, and Brays, slaveowners all, enhanced the quality of life of their former servants on a person-to-person basis, much as the

Hoyes did. Levi and William Hilleary, for instance, agreed to support John Murdoch for life if he was unable to provide for himself "from any cause whatsoever." Murdoch, while never officially manumitted, managed quite well on his own. He found work as a house servant and even participated in the founding of the first black church in the city. A similar kind of liberality marked the relationship of Isaac McCarty and Philip Bray with John and Phoebe Davis. Emancipated in 1832 by McCarty, Davis received one hundred dollars from his former master. Staying on as a paid laborer for McCarty, Davis worked alongside the remaining McCarty slaves. When he met and fell in love with Phoebe Galloway, a slave of Bray's, John offered Bray sixty dollars for her freedom. Bray refused any such payment. Instead he arranged for Phoebe to immediately join John in establishing their own household. Phoebe bore at least three children before she was officially freed by the terms of Bray's 1844 will. By 1860, the Davis's property was worth \$1,500 and of their children, three worked the land with their father, two found employment as domestic servants, and one was a blacksmith. Stories abound about other free blacks who began their work lives as hired hands or servants in white households, who labored side by side with enslaved blacks but managed to keep their sense of liberty alive, who took advantage of the promising local economy and white benevolence, and who rose to head their own households.²⁹

It is tempting to paint too rosy a picture of this free black life in Cumberland. The grit, persistence, and survival skills of the Tibbses, Robinsons, and Davises and the shrewdness of Julia Bigers, Tamar Brown, and Charlotte Cooper can overshadow the reality that, after their stories are told, free blacks remained on the bottom of the city's social and economic ladder.

Whatever indices historians use and however they measure success, in community after community free people of color come up short. Blacks may not have shared every value of white middle-class society, but family, property, and work appeared high on their list and are measurable indications of comparative well-being. Establishing and maintaining a nuclear family is one mark of accomplishment, while prosperity can be measured by relative property values. The type of work one can find determines status and prospects of survival, while the absence of men in a household might point toward a struggling and precarious family economy.

The nuclear family, that one-generation household with parents and their children living independently, is perhaps the gold standard. Three-quarters of the Germans who poured into Cumberland in those boom years lived in such nuclear households, as did two-thirds of the Irish. Each of the immigrant groups who came to western Maryland tended to migrate to the area with intact families and thus it is not surprising to see a prevalence of nuclear families among this first generation of newcomers. A better measure of this kind of familial well-being lies in a comparison between native-born white and free black Marylanders. About half of the white, native-born city dwellers in the 1850s and 1860s managed to sustain nuclear families.

So did the free blacks of the city. By this measure, then, free blacks and native-born white Marylanders were equally successful. The extended family was another way of structuring a household, of maintaining the nuclear family while supporting siblings and parents and adding to the family's financial welfare. Blacks and whites, in equal proportions, supported extended families; in-laws, especially mothers-in-law, and sisters and brothers of the head of the household abounded in these homes.³⁰

But the similarities between white and black families disappear in the face of the rising numbers of female-headed households among the free blacks of Cumberland. Women headed fully one-third of black families. With the nuclear family already disrupted by the exigencies of slavery, the repercussions of that system continued to affect the ability of free black families to survive unbroken. A few husbands were still in bondage, others sought work in distant places, and, as in 1850s Frostburg, some women moved to areas that offered greater opportunities to contribute to the family larder. That husbands or fathers moved in and out of the family is evident from the childbirth patterns of some. It seems clear that the father of Margaret Chase's children, for instance, resided somewhere in the area. Margaret's five children were born just two or three years apart and her youngest child was only six months old in 1860. Her spouse may have been enslaved, he may have roamed about, or he may have found work far from home. Whatever his circumstances, she worked hard as a laundress to feed and clothe her children for two decades. Others were recently widowed, as was Matilda Campbell. Still others had carried the burden alone for many years. By 1830, Chloe Henry had borne four children, all under the age of ten, and was raising them on her own. For the next twenty years, she supported those children, making sure each could read and write, arranging for an apprenticeship with a blacksmith for her eldest son James, and taking in her younger son and his family when she was seventy years old. It was a hardscrabble life. These free women found work enough to allow them to keep their households together for a substantial period of time but far more of them shouldered full responsibility for their households than any other Maryland-born or immigrant woman.³¹

While managing to eke out a living, black women proved less successful at moving into the propertied class than black men or than other women who headed their own households. Fifteen free black women sustained their own households in Cumberland in 1850. Not one scraped enough together to buy a piece of property. Ten years later, with an additional fifteen female-headed black families in the city, the story was as dire. They succeeded in keeping their families together and in some cases, like Chloe Henry, even creating a better chance for their children, but they did not move off the bottom rung of Cumberland's economic ladder. For all of its prosperity and opportunities for work for the black underclass, Cumberland offered black women little opportunity to rise above a life of mere subsistence.³²

Black men had more easily acquired some real estate, and had done so at higher rates than free blacks elsewhere, yet that property was still less valuable than the

plots and houses owned by others in the city. The average value of the property of native-born white owners in Cumberland in 1850 was well over \$3,000; German and Irish landowners held at least \$1,000 of real property. Not only did far fewer free men of color hold such property, their lots were worth on the average a mere \$600. A decade later, a third to a half of all white residents, native-born or immigrant, owned some city property, property that had increased in value to over \$5,000 for native Marylanders. Free blacks remained at the bottom. While nearly 20 percent held some land by then, property values rose to only \$750, a pittance compared to the wealth other residents of Cumberland had accrued.³³

To a great extent, the hierarchy of work in Cumberland hampered the proliferation of free black property holders. Day labor by its very nature was sporadic, other unskilled work paid low wages, and few skilled jobs existed for free people of color. Free black women took in laundry, catered to boarders in their homes, or worked as domestic servants. Free black men found work day by day as common laborers or served as porters, waiters, farm hands, whitewashers, and draymen or, if more fortunate, as skilled barbers and blacksmiths. Blacksmiths were much in demand, and Cumberland's men of color who practiced the trade found ample work despite competition from immigrant and native-born craftsmen. Barbering was another matter. Whites often found the servile nature of barbering distasteful while blacks found opportunity in the work. In Cumberland, barbering remained the exclusive domain of blacks for several decades, unlike in other cities. Yet year in and year out, decade by decade, no other fields of employment in the city and surrounding countryside opened to them. Moreover, for those lucky enough to obtain steady work, wages fell far below those earned by white laborers.³⁴

The Irish, on the other hand, found work in a number of areas. While the transient Irish had built the railroads and canals and moved on, those who remained became brick workers, hotelkeepers, merchants, shoemakers, and stonecutters. The Germans were even more skilled; boat makers, master carpenters, gunsmiths, saddlers, stonemasons, wagon makers, and sawyers abounded. And while many an unskilled white Marylander found work, lawyers, contractors, physicians, civil servants, clerks, stagecoach owners, bankers, and teachers were occupational fields filled exclusively by white, native-born residents of the city.³⁵

Nevertheless, there was work to be had for free black men and women. Beyond the dignity of free labor itself, that work allowed some to purchase the freedom of a wife, husband, or child, others to ensure the integrity of their family even in the face of a system of bondage that hovered on the edges of their liberty, and still others to provide a stepping stone into the future for the next generation. Property ownership symbolized their success, further stabilized their families, and deepened relationships with the surrounding white community.

That the status of black households was fragile is further evidenced by the plight of those who did not make it. Some had died; cholera, dysentery, influenza,

yellow fever, and smallpox raged in the 1830s and 1850s, taking children and adults alike. Infant mortality was high. Women died in childbirth; men suffered farming and hunting accidents. In the countryside, life was harsh. Susan Dorsey died when she "ran after the cows"; later, her husband Jim "was grubbing a clearing" when he dropped dead. City dwellers drowned in the canal and river. Some changed their names; some avoided the record keepers. Others simply moved on. One-third of Cumberland's free blacks cast their lot with the future in the city, but the vast majority looked elsewhere for opportunity.³⁶

John the Baptist Bates seemed on the path to stability when he sought permission from the court to look for farm work across the border in Pennsylvania in the summer of 1853. Bates did not find steady employment. Within two years he was in court again, this time charged with vagrancy. Since he refused to pay the twenty-dollar fine (he did not have the cash), he was sold "to serve in the capacity of a slave" for the next six months. Twice more, Bates went to jail, and both times he was sold "in the capacity of a slave" before he left Cumberland for good. Catharine Williams fared little better. Arrested for vagrancy in 1853, she, too, was sold into temporary servitude. The court charged her three children, ages three, four, and nine, with vagrancy as well and placed them in apprenticeships with three different masters. William Wallace Williams, the nine-year-old, chafed under that regime, running away every time he was placed with yet another new master. Those from outside Maryland who were drawn by the opportunities Cumberland offered throughout the 1850s ran up against laws that prohibited free blacks from entering the state. Joseph Solomon, having headed to Cumberland from Washington, D.C., and Frances Jackson, who crossed the border from Virginia, faced charges for flouting that law. Each served new masters until their fines were satisfied and then were ordered out of the state. Solomon thought his future lay in Cumberland and returned a few years later. For this repeated offense he owed a fine of five hundred dollars, an amount that took considerably longer to work off and a term that sentenced him to virtual slavery. For runaway apprentices, vagrants, ambitious men and women from out-of-state, and hundreds of other free people of color, the promise of Cumberland's prosperity proved ephemeral. They could not gain a foothold in this economy or in the social order.³⁷

Nevertheless, for those who proved more stalwart, Cumberland was a place where free men and women of color could measure their own successes. Comparisons with the lives of native-born white Marylanders or newcomers like the Germans and Irish are useful for understanding how race, ethnicity, and economic forces shaped the lives of mid-century Marylanders, but such bare statistical assessments reveal little about the dynamics of the black community. Indeed, such evaluations flag in the face of the vibrant world the black residents of Cumberland built.

Cumberland's black community thrived in the late antebellum years. Despite a state law that forbade holding "religious or tumultuous gatherings," Cumberland's free blacks attended "bush meetings" just outside the city limits and traveled miles

to rejoice in the preaching done at itinerant camp meetings in the countryside. They sang, danced, and enjoyed their whiskey like many residents of this pioneer town. Meeting at shops and taverns, they gossiped and gambled. They took pleasure in local festivals and were as keen on horse races as their white neighbors. On Sundays they congregated at church services and when the occasion arose, they marched in funeral processions.³⁸

They gathered among themselves to arrange for children to join a neighbor's household, to make plans to visit a mother or an uncle, or to pass on news of an opening for work. We cannot know the precise circumstances of this kind of friendly exchange. Nevertheless, Catharine Williams, when she had been arrested on vagrancy charges and forced to turn her children over to the courts, had clearly learned that she could ask that those children be taught to read and write. Fathers like Philip Only and Henry Snowden, looking to guarantee livelihoods for their children, obtained informal information about opportunities for service in white households. Intimate networks like these abounded. Some connections were more directly familial, as when Eli Robinson called upon his son-in-law Lewis Graham to be the trustee of his family's annuities, when Henry Snowden appointed his nephew as executor of his will, and when Harrison Albright named his nephews as his heirs. Others simply arose from friendship. Lucy Lucas, before she married, traveled to Pennsylvania periodically with several different friends, and Philip Only's friendship with Thomas Martin smoothed the way for his sons to join the Martin household and be trained as barbers.³⁹

They intermingled with their white neighbors, struck bargains with the city's businessmen, and challenged civic leaders. A man like Harrison Albright, for instance, dabbled in land speculation, reaping profits from his white sellers and buyers. Albright turned a seventy-dollar investment into a \$425 sale within a few years; Henry Snowden and Isaac Sweet realized similar bonanzas. And while James Tibbs had meticulously appeared at the county courthouse for several years to request that permission to remain in the state as a freed man, half of those who were manumitted in the same period simply did not do so. Some may have been ignorant of the law; others practiced purposeful circumvention, suggesting that they felt a security in the intermingling of the mores of the white patronage system and in the strength of their black community.⁴⁰

Tibbs's wife, Arianna, personified that kind of interracial tightrope-walking by unabashedly arguing for her property rights before the justices of the Orphans Court. Her white employer, Margaret Black, may have pressured Arianna to sponsor all those baptisms of black children at Emmanuel church, but Arianna never brought her own daughter and son to that Episcopalian baptismal font. However evasive she may have been in the presence of Mrs. Black, when it came to claiming her rights as a free person before the court, she showed no such restraint. After her husband died and the appraisers reported their assessment of his estate, Arianna immediately filed

a protest. "Being a free woman," she said, when she had arrived in Cumberland she had brought certain goods and possessions with her. Yet the appraisers made those items part of James's estate. Moreover, several other articles belonged to her, she explained, because she "had received [them] in payment of services rendered, as a nurse for the sick at various times" during her marriage. "Such inventory she prays may be corrected" as to its true ownership—not her husband's, but hers. Reaching outside family, kinship, or immediate community like that involved more risk and considerable skill, but Arianna took that chance. Although it was always a matter of sensing the right balance and understanding the nuances of the situation, Arianna's assessment of the circumstances, coupled with her own sense of impending injustice, won the day. The judges of the Orphans Court agreed that they were "fully satisfied that said articles belong to the said Arianna Tibbs in her own right."⁴¹

The personal confidence of an Arianna Tibbs and the shrewdness of black land speculators rested upon the strength of the city's black community. With white paternalism ever present, these free men and women had nevertheless taken destiny into their own hands when they elected to cast their lot in the booming economy of Cumberland in the 1840s and 1850s. They had pledged their loyalty and received freedom, character references, and, often, a largesse of goods and land. From that foothold of stability and material well-being, they built the informal social networks that proved so useful in managing the decisions of everyday life. Only nine free black families lived in the city in 1840, but over the next decade people of color flooded into Cumberland. William Campbell, William Hamilton, Nehemiah Bates, Chloe Henry, and James and Arianna Tibbs, the backbone of the 1840s community, welcomed three dozen or so more black families. Growing from a population of sixty-five to 283, by the mid-1840s free blacks in the city had reached a critical mass. Such growth underpinned their strong sense of community and social order and their numbers made possible the emergence of social institutions.

First and foremost were their churches. As Leonard Curry has so astutely noted, the emergence of two black churches in antebellum Cumberland would be "overwhelmingly the vision of the black spirit." The founders of those black churches spoke undeniably to their desire for respect and their unwillingness to be ignored in matters of the spirit.⁴²

In a city like antebellum Cumberland, where no distinctive black neighborhoods developed, the church loomed large as a social meeting place and haven in which to renew black resiliency. Although the white wealthy tended to congregate on Washington Street, no other such segregated areas developed in the city in these years. Even Shantytown, regarded by all as the "roughest, toughest spot along the canal," was a racially mixed district. Indeed, given evidence from the census, seldom did even two or three free black families live in close proximity to one another. That two churches arose within a handful of years speaks even more eloquently to the strength of this black community that reached across the city's streets and alleys.⁴³

Like other free blacks throughout the country, Cumberland's free people of color gravitated toward Methodism because in its earliest years the church opposed slavery, sat in racially mixed congregations, and offered an appealing style of worship. In the beginning most black families worshipped at the Centre Street Methodist Church. Although it no longer allowed blacks and whites to sit side by side, this largely white congregation occasionally welcomed itinerant black preachers. The Reverend Thomas Henry, a relative of that astute single mother, Chloe Henry who had arranged a blacksmith apprenticeship for her son James, often headed toward Cumberland in the mid-1830s. It was no easy trek. Traveling from Washington County "over hills, gulleys, branches, [and] creeks" on one such occasion "after a heavy snowstorm," Henry found the trip "a little unpleasant," but he diligently preached to the "mixed congregation of white and colored," extrapolating on the text: "Escape for thy life; look not behind thee." One white elder, either interpreting Henry's words as a coded message to the slaves in attendance (which it was) or simply objecting to a black preacher, opposed Henry's being asked to return, but a "local preacher of the same church" and repentant former slave owner came to Henry's aid. Declaring that the elder "was not all the church," this white preacher wanted to hear Henry "preach the same sermon again."⁴⁴

The occasional black preacher ultimately did little to satisfy the black congregants' sense of self-respect and dignity when they were continually left out of church governance and relegated to segregated seating. That "portion of the gallery set aside for their use" galled and, by 1846, several black men set out to form a separate church. They quickly demonstrated an ability to organize and conduct their own spiritual and temporal business. Citing in detail an 1802 state law governing the establishment of Christian churches, they declared themselves incorporated as an independent congregation, the African Methodist Bethel Church of Cumberland, and honed each section of their Articles of Association to the fine points of the law. While a "convention of colored ministers" would direct spiritual matters, all public meetings were to be conducted by a white person. Five elected trustees, free men of the congregation over the age of twenty-one and at least one-year members of the church, were to settle all temporal matters. Buying a plot of land and erecting a church building were the most pressing temporal matters for the first trustees. Within six months, Philip Only, William Hamilton, and James Randolph had signed personal promissory notes amounting to \$150 for the purchase of a plot of land on Frederick Street near the edge of the city. A year later the men of the congregation unveiled the brick structure they had built for their families' place of worship.⁴⁵

For all of the success of the Bethel congregation, some of the city's free people of color still attended services at the white Methodist church on Centre Street. Whether they were new to the city, lived in the neighborhood, or simply preferred its preachers, they, too, soon chafed under the continuing segregation and restrictions

placed on blacks in that church. Rather than join the Bethel congregation, men like Eli Robinson and James Tibbs organized a second black church in the city in 1854, the McKendree African Methodist Episcopal Chapel.⁴⁶

No apparent doctrinal differences separated the two congregations. There may have been a falling out between the brothers, since Eli Robinson's brother Henry was already a faithful member of the Bethel congregation. Or socio-economic differences between the leaders of each of the congregations may explain the advent of the second church. The Bethel church founders tended to hold slightly more skilled jobs (the city's barbers and blacksmiths were among them), while Tibbs, Robinson, and their fellow organizers were most often described as mere "laborers" by the census takers. Otherwise, their lives appear quite similar.

More pertinent was the growing strength of the black community. By the 1850s, Cumberland's black population had quadrupled from the previous decade. Forty-six black families now scattered themselves about the city and another seventy individual blacks lived in white households. Indeed, at the moment of its inception, the McKendree church boasted of forty congregants. Most of Cumberland's churches were bursting at their seams with the influx of fortune seekers and immigrants, and it seems likely that Bethel simply could not absorb the additional worshippers. Whatever their reasons for creating two separate congregations within eight years, the vibrancy of this black community clearly could support two strong congregations.⁴⁷

Even when power struggles momentarily disrupted the peace of their churches, dissension seldom spilled over into the white community. In the mid-1850s, a dispute arose between the sitting minister of the Bethel church, James Sterret, and itinerant preacher Thomas Henry. A man of strong convictions and stubborn temperament, Henry had been once again assigned to the Cumberland area. Taking up his new responsibilities as presiding elder, he set up a camp meeting as well as a more staid quarterly meeting. At every juncture, Sterret outflanked Henry, holding those very meetings a day or week before Henry arrived in town. Sterret, hardly a man of tact and diplomacy himself, at one point locked the doors of the church against Henry and on another occasion "arose and began singing and yelling at the top of his voice" to interrupt Henry's sermon. Perceiving Henry's actions as an intrusion upon his authority, Sterret was unstoppable even when his congregation "cried out that such proceedings were shameful in the house of God." Still, Sterret arranged for guards to prevent Henry's sermon the following evening. Eventually, saner minds prevailed, church prelates intervened, Henry returned to a Hagerstown assignment, and within a short time Sterret was dead. The men's petty quarrel had done little to disrupt the tranquility of the black community or bring down the approbation of the white residents of the city. One black congregant, John Murdoch, sided quite publicly with Sterret and another, James Henry, supported his cousin's cause, but both remained strong supporters of the church and longtime members of the city's black community, a community so strong that it easily withstood dissent and discord.⁴⁸

Realizing that their congregations must rest on legal grounds that could not be challenged, and understanding the need for hardheaded negotiations in the marketplace of land speculators, church founders had tapped into the culture of white paternalism. But all of that was prelude to independent action. Arising from the strength of their own community and relying on the place they had fashioned in the city, they had walked away from a church that ignored and denigrated them. They had constructed their own spiritual and communal order. In so doing, they offered themselves as "examples of middle-class American respectability."⁴⁹

The struggles and triumphs of James Tibbs, Philip Only, William Hamilton, Eli and Henry Robinson, and the other dozen or so church founders and their families exemplified this black middle-class way of life. They were young men; most were in their early thirties as they took those first steps to counter the institutional bigotry of the Centre Street Church. Many were barbers, blacksmiths, draymen, servants, and waiters, occupations that placed them a step above the everyday struggle of the day laborer. They had established families; with their wives and children they were securely ensconced in the life of the city. For the most part, they were literate, a considerable accomplishment given that half were former slaves. They were ambitious; by the time they became involved in starting new houses of worship, half of them already owned some property. They perceived the injustice of white America's attempt to limit their liberties, and, by the very way in which they constructed their lives, they presented themselves as exemplars of good citizenship.

Hard times were coming, though, as the political agitation around slavery intensified and war loomed. The 1859–1860 state legislature once again discussed ways to limit the liberties of free blacks, including threats "to dispossess negroes of their property." The same Assembly entertained petitions to prohibit manumission entirely, to re-enslave free blacks, and to expel all free blacks from the state. To some extent, free blacks in this Union-sympathizing county far from the legislative halls of Annapolis had little to fear from those heated debates. White residents of Cumberland quickly focused on their own political divisions. "Friends and neighbors were unhappily arrayed one against the other," torch-light processions brought Union supporters into the streets, and "even at social parties in parlors, ladies were transformed into violent politicians, and in their wild enthusiasm seemed ready to grasp the rifle and the sword."⁵⁰

Once war erupted, neither white nor black escaped its repercussions. Civic morale and economic well-being suffered. Although no major battle was fought in the city or county, Confederate guerrillas regularly destroyed bridges, derailed train tracks, burned trestle logs, sabotaged canal locks, and threatened invasion, creating a "deep, painful feeling of insecurity" throughout the war years for all. The early months of the conflict also brought an economic slump, but once Federal troops arrived in June 1861 to occupy this strategic transportation hub, the business of quartering, feeding, and supplying the thousands of Union soldiers reinvigorated the city's economy. Life

remained precarious, especially for free blacks whose very lives were in jeopardy as Confederates roamed the mountain paths and roadways and as work came and went. Yet there was work to be done and, in many respects, it was precisely the kind of work—clearing canals of debris, hauling lumber for bridge supports, serving meals, or laundering clothes—that had been the purview of the black worker before the war. If the grumblings of prickly Priscilla McKaig about the difficulty of finding reliable servants in wartime Cumberland is any indication, many a free black man or woman walked away from an unpleasant position to find work elsewhere.⁵¹

Two years before Appomattox, in Cumberland a “county mass meeting of Union men” had urged the legislature to “take immediate steps toward the abolition of slavery in the State.” When by the autumn of 1864 the state of Maryland had done so, Cumberland’s black families had every reason to hope that their bargain would hold—and it did. They had invested in this community, after all, and they had invested in one another. They and their children stayed on in the Cumberland area during the war years and for decades thereafter.⁵²

They maintained faith in their institutions and especially in their churches. As the years passed, some became preachers or sextons, others endowed their congregations with land and money. Even with their relatively small numbers, they continued to extend their community networks. In 1866 several free men approached the county school commissioners for permission to open a school on Mary Hoye’s land, and before long at least sixty black students were engaged in reading, writing, arithmetic, and geography lessons in a fashion that was “creditable alike to the teacher and pupils.” Moreover, attendance at the black school was higher than at the white schools.⁵³

In the ensuing years, this free black population of Cumberland enjoyed music and literary programs, celebrated Emancipation Day, formed their own Knights of Pythias, and raised funds for more schools. They planned outings such as their jousting tournament held “two miles east of Cumberland,” where they crowned a queen to the accompaniment of local bands and drum corps. Their all-black Western Maryland Band often played to an audience of whites and blacks throughout the city. Living in this society that often had made little distinction between free and enslaved people of color, Cumberland’s black middle class, had kept its ambition, self-confidence, competency, and aspirations clearly in mind. In creating their own institutions, they demonstrated self-respect, achieved a sense of solidarity, and built a base of strength that nourished individual members.⁵⁴

James Tibbs, arising out of slavery into this black bourgeoisie, was the epitome of black life in Cumberland. Though his land may not have been as valuable as that of some of his white neighbors, he lived an independent life surrounded by family and friends. His choice of employments may have been limited, but with his own work as a laborer and sometimes peddler and whitewasher, and with the help of Arianna, he supported a family and ensured a sound financial future for his children. He had seized the opportunities the city offered. He had faced down at least some of the

manifestations of local racism. He had been instrumental in creating the richness and stability of the city's black community. Others, too, had used the same strategies and had shown the same kind of resolution and determination in constructing their lives in this black community. Together they had looked to a future that would hold out full citizenship for people of color.

That promise would be delayed. But in 1870—for a moment—the black citizens of Cumberland fully understood the action Congress had taken in passing the Fifteenth Amendment. Although James Tibbs had died in September 1870, just a few weeks before the first election in which blacks would exercise their newly won franchise, his fellow blacks marched to the election polls in astounding numbers. Of the 235 eligible black voters in the county, 208 cast a ballot in those elections.⁵⁵

They did so as players and tireless negotiators in a specific place and at a specific time. Cumberland, Maryland, had offered a place for its free people of color to construct a life—a life marked by family stability, interconnectedness with neighbors, considerable comfort with white society, and membership in a growing and dynamic African American subculture.

NOTES

1. Allegany Register of Wills (Wills), James Tibbs, January 24, 1868, Liber C, pages 179–80; Allegany County Circuit Court (Land Records), Mary Ann O'Neale estate sales to James Tibbs, September 3, 1840, Liber AA, pages 508–10 and September 28, 1847, Liber 3, pages 722–23, MSA CE-77; Allegany County Register of Wills (Orphan Court Proceedings), Arianna Tibbs petition, October 1870, Liber K, page 614; and U.S. manuscript censuses for 1850, 1860, and 1870. (On the 1850 census, James Tibbs's surname is mis-recorded as Gibbs). In this work, "freed black" indicates an African American born into slavery and then manumitted, while "free black" is a more generic term. I use "people of color" interchangeably with "free blacks," not to indicate mixed race heritage.

2. The details of Arianna Tibbs's arrival in Cumberland and the list of items she brought with her are contained in a petition she made to the court when the appraisers of her husband's estate included those items as his. See Allegany County Register of Wills (Orphan Court Proceedings), Arianna Tibbs petition, October 1870, Liber K, pages 598 and 614; Liber L, pages 1, 17, 191, 203, and 217; (Administrative Accounts), Liber G, pages 27 and 195; (Wills), Liber C, pages 179–80, and in Allegany County Circuit Court (Land Records), November 23, 1873, Liber 39, page 637, MSA CE-78. The additional biographical information is from the U.S. manuscript census for 1850 and Genealogy Society of Allegany County, comp., "Historical Records of Emmanuel Episcopal Church," typescript in Appalachian Collection, Allegany College of Maryland.

3. Allegany County Circuit Court (Land Records), Mary Ann O'Neale estate sales to James Tibbs, September 3, 1840, Liber AA, pages 508–10 and September 28, 1847, Liber 3, pages 722–23, MSA CE-77; Allegany County Register of Wills (Orphan Court Proceedings), James Tibbs petitions to stay, January 10, 1835, September 14, 1836, November 14, 1837, and January 10, 1839; U.S. manuscript censuses for 1850, 1860, and 1870; and Will H. Lowdermilk, *History of Cumberland, Maryland* (Baltimore: Regional Publishing Company, 1971), 484–85.

4. U.S. manuscript census for 1870; Allegany Register of Wills (Wills), James Tibbs, January 24, 1868, Liber C, pages 179–80; and Emma Jones Lapsansky, "Friends, Wives, and Strivings: Networks and Community Values Among Nineteenth-Century Afroamerican Elites," *The Pennsylvania Magazine of History and Biography*, 108 (1984): 3–24. Lapsansky suggests that the act of writing a will was "itself a luxury, one reserved for those who were at ease with the mechanics of white bureaucracies and who were self-conscious about future orientation" (14).
5. For a sampling of the literature, see Luther Porter Jackson, *Free Negro Labor and Property Holding in Virginia, 1830–1860* (New York: D. Appleton-Century Company, 1942); Leon Litwack, *North of Slavery: The Negro in the Free States, 1790–1860* (Chicago: University of Chicago Press, 1967); Carol V. R. George, *Segregated Sabbaths: Richard Allen and the Emergence of Independent Black Churches, 1760–1840* (New York: Oxford University Press, 1973); Ira Berlin, *Slaves Without Masters: The Free Negro in the Antebellum South* (New York: Oxford University Press, 1974), "The Structure of the Free Negro Caste in the Antebellum United States," *Journal of Social History*, 9 (1976): 297–318, "Time, Space, and the Evolution of Afro-American Society on British Mainland North America," *American Historical Review*, 85 (1980): 44–78, and *The Making of African America: The Four Great Migrations* (New York: Viking, 2010). Consideration of the "variety, diversity, and nuances" of antebellum black communities is the hallmark of Berlin's work. Emma Jones Lapsansky, "Friends, Wives, and Strivings," and "Since They Got Those Churches': Afro-Americans and Racism in Jacksonian Philadelphia," *American Quarterly*, 32 (Spring 1980): 54–78; Leonard P. Curry, *The Free Black in Urban America, 1800–1850: The Shadow of the Dream* (Chicago: University of Chicago Press, 1981); Theodore Hershberg, "Free Blacks in Antebellum Philadelphia: A Study of Ex-Slaves, Freeborn, and Socioeconomic Decline," p. 370 for "turn for the worse" quote, and Theodore Hershberg and Henry Williams, "Mulattoes and Blacks: Intra-Group Color Differences and Social Stratification in Nineteenth-Century Philadelphia," in Theodore Hershberg, ed., *Philadelphia: Work, Space, Family, and Group Experiences in the Nineteenth Century* (New York: Oxford University Press, 1981); Robert J. Cottrol, *The Afro-Yankees: Providence's Black Community in the Antebellum Era* (Westport, Conn.: Greenwood Press, 1982); Gary B. Nash, *Forging Freedom: The Formation of Philadelphia's Black Community, 1720–1840* (Cambridge: Harvard University Press, 1988); Loren Schweninger, *Black Property Owners in the South, 1790–1815* (Chicago: University of Illinois Press, 1990); Adele Logan Alexander, *Ambiguous Lives: Free Women of Color in Rural Georgia, 1789–1879* (Fayetteville: University of Arkansas Press, 1991), p. 36 for "misfits" quote; Michael P. Johnson and James L. Roark, "Strategies of Survival: Free Negro Families and the Problem of Slavery," in Carol Blesser, ed., *In Joy and in Sorrow: Women, Family, and Marriage in the Victorian South, 1830–1900* (New York: Oxford University Press, 1991); James Oliver Horton, *Free People of Color: Inside the African American Community* (Washington: Smithsonian Institution Press, 1993), p. 13 for "highly structured" quote; Brenda E. Stevenson, *Life in Black and White: Family and Community in the Slave South* (New York: Oxford University Press, 1996); Christopher Phillips, *Freedom's Port: The African American Community of Baltimore, 1790–1860* (Chicago: University of Illinois Press, 1997); Steven Hahn, *A Nation Under Our Feet: Black Political Struggles in the Rural South from Slavery to the Great Migration* (Cambridge: Harvard University Press, 2003); Wilma King, *The Essence of Liberty: Free Black Women during the Slave Era* (Columbia: University of Missouri Press, 2006); Max L. Grivno, "'There Slavery Cannot Dwell': Agriculture and Labor in Northern Maryland, 1790–1860" (Ph.D. diss., University of Maryland, 2007), p. 357 for "stunted, truncated" quote; Seth Rockman, *Scraping By: Wage Labor, Slavery and Survival in Early Baltimore* (Baltimore: Johns Hopkins University Press, 2009); and David Brion Davis, *The Problem of Slavery in the Age of Emancipation* (New York: Alfred A. Knopf, 2014).

6. Harry Stegmaier Jr., David Dean, Gordon Kershaw, and John Wiseman, *Allegany County: A History* (Parsons, W. Va.: McClain Printing Co., 1976); Thomas B. Searight, *The Old Pike: A History of the National Road with Incidents, Accidents, and Anecdotes Thereon* (Uniontown, Pa.: publ. by the author, 1894); Constance M. McGovern, "'Liberty to Them Is as Sweet as It Is to Me': Slave Life in Allegany County, Maryland, 1789–1864," *Maryland Historical Magazine* (2012): 405–39; and United States manuscript censuses for 1810 and 1820.

7. For discussions of the restrictions placed on free blacks in Maryland, see Jeffrey Brackett, *The Negro in Maryland* (Baltimore: Johns Hopkins Press, 1889), chapter 5; James W. Wright, *The Free Negro in Maryland, 1634–1860* (New York: Octagon Books, 1971), chapter 3; Barbara Jeanne Fields, *Slavery and Freedom on the Middle Ground: Maryland during the Nineteenth Century* (New Haven: Yale University Press, 1985), 35–37; and Berlin, *Slaves Without Masters*, chapter 3.

8. See McGovern, "'Liberty to Them Is as Sweet as It Is to Me,'" for an analysis of the nature of slavery in western Maryland. Allegany County included present-day Garrett County until 1872.

9. For information on the relationship of William Iams, and James Tibbs, see Allegany County Register of Wills (Wills), William Iams, June 22, 1824, Liber A, page 313; (Orphan Court Proceedings), James Tibbs petitions to stay, January 10, 1835, Liber C, page 96, in which the court refers to Tibbs as "late the property of" Iams; U.S. manuscript censuses for 1800, 1810, and 1840 (when there are no longer any slaves in the Iams family—Iams's brother Joseph had sold James Tibbs's sister Amy to Thomas McKaig in 1838); and the Iams family genealogy thread at <http://archiver.rootsweb.ancestry.com/th/read/IJAMS/1999-04/0924706922>. See also, McGovern, "'Liberty to Them Is as Sweet as It Is to Me.'"

10. All statistical analysis is based on the federal manuscript censuses for 1850, 1860, and 1870. For an insightful analysis of the issues involved in using the manuscript census, see Schweninger, *Black Property Owners*, 371–91.

Some historians have made comparative analyses of the lives of blacks and mulattoes, but the free people of color population in Cumberland was so heavily black, rather than of mixed parentage, that such comparisons are of little value in this study. Baltimore's free black population, like Cumberland's, was only about a quarter mulatto, and other areas of the Upper South had similar demographic characteristics. On the other hand, in Lower South cities such as Charleston and New Orleans, mulattoes made up two-thirds to three-quarters of the population of free people of color. See, Phillips, *Freedom's Port*, 62–63.

11. For a summary of mobility studies, see Stephen Thernstrom and Peter R. Knight, "Men in Motion: Some Data and Speculations about Urban Population Mobility in Nineteenth-Century America," *Journal of Interdisciplinary History*, 1 (1970): 7–36. For some other specific studies, see Hershberg and Williams, "Mulattoes and Blacks," Stevenson, *Life in Black and White*, and Horton, *Free People of Color*, especially chapter 6, "Shades of Color: The Mulatto in Three Antebellum Northern Communities."

12. In creating this comparative study, I extracted every free black, every white native-born Marylander, every Irish person, and every German in Cumberland from the 1850 and 1860 United States manuscript censuses. While there were numbers of out-of-staters and persons born in other European countries, these four groups constituted the vast majority of city residents.

13. Searight, *The Old Pike*; Robert J. Brugger, *Maryland: A Middle Temperament, 1634–1980* (Baltimore: Johns Hopkins University Press, 1988), 152–58; James D. Dilts, *The Great Road: The Building of the Baltimore and Ohio, The Nation's First Railroad, 1828–1853* (Stanford: Stanford University Press, 1993); Walter S. Sanderlin, *The Great National Project: A History*

of the Chesapeake and Ohio Canal (Baltimore: Johns Hopkins Press, 1946); Ella E. Clark, ed., "Life on the C&O Canal: 1859," *Maryland Historical Magazine*, 55 (1960): 82-122; and Stegmaier, Dean, Kershaw, and Wiseman, in *Allegany County* describe Cumberland as the "gateway to the west."

Unlike in Baltimore, where employers manipulated a much more diversified labor force that ran along a "continuum of slaves-for-life to transient day laborers—with term slaves, rented slaves, self-hiring slaves, indentured servants, redemptioners, apprentices, prisoners, children, and paupers," free blacks in Cumberland competed little with enslaved laborers or other semi-free workers and faced fewer barriers. See Rockman, *Scraping By*.

14. Lowdermilk, *History of Cumberland*, 350-52, 369, and 438-47; W. David Baird, "Violence Along the Chesapeake and Ohio Canal: 1839," *Maryland Historical Magazine*, 66 (1971): 121-34; Sanderlin, *Great National Project*, 92; and Steigmaier, Dean, Kershaw, and Wiseman, *Allegany County*, especially Part 2, "New Directions, 1800-1865." By law, blacks could neither own nor captain canal boats, but they could, and did, serve as crew on the canal boats.

15. Allegany County Register of Wills (Wills), John Hoyer, will, July 10, 1849, Liber A, pages 697-705; Allegany County Circuit Court (Land Records), John and Mary Hoyer to Phoebe Robinson, December 29, 1846, Liber 3, pages 122-24 MSA CE-77; and U.S. manuscript censuses, 1850-1880. Henry and his wife Eliza were married within the census year of 1850; they named their third child, six months old in 1850, John Hoyer Robinson.

16. Allegany County Register of Wills (Orphan Court Proceedings), Eli Robinson, permission to leave, June 26, 1849, Liber E, page 45; Allegany Circuit Court (Land Records), Harriet Graham manumission, September 11, 1852, Liber 8, page 638, MSA CE-77 (interestingly, Eli Robinson had bought Graham's freedom in 1850 and, although not yet manumitted, she was still listed on the 1850 census as a free person); U.S. manuscript census of 1860 for Graham's occupation as a laundress; Allegany Circuit Court (Land Records), Eli Robinson annuities, January 9, 1852, March 20, 1852, and July 23, 1859, Liber 8, pages 97-98 and 294-95 and Liber 19, pages 268-69 MSA CE-78. Henry and Eli Robinson were both listed on the 1850 census as property owners and again in 1870. Neither appears in the propertied class on the 1860 census yet both were active in making land deals; clearly the census taker erred in not recording their property values in that year.

17. For the rate of property holding among free blacks in other areas, see Hershberg, "Free Blacks in Antebellum Philadelphia"; Curry, *The Free Black in Urban America*, chapter 3; Jackson, *Free Negro Labor and Property Holding*, chapter 5; Stevenson, *Life in Black and White*, chapter 9; Schweninger, *Black Property Owners*, passim; Ralph Clayton, *Free Blacks of Anne Arundel County, Maryland* (Bowie, Md.: Heritage Books, Inc., 1987); and Grivno, "There Slavery Cannot Dwell," chapter 5. Only in Buffalo did more free blacks own property than those in Cumberland, Horton, *Free People of Color*, chapter 8.

18. For examples of slaveholders' "gifts" to their former slaves, see Allegany County Circuit Court (Land Records), Jacob Richards to "Black Daniel," November 5, 1807, Liber E, pages 231-34; Allegany County Register of Wills (Wills), Philip Bray to Bill, Phebe, Lewis, Jenny and Emily Ann Galloway, September 10, 1844, Liber A, pages 540-41; Levi Hilleary to John, November 11, 1856, Liber B, pages 99-102; William Ridgeley to Nelson, Noble, and Grace, November 13, 1847, Liber A, pages 626-29; Cassandra Robinette to Rebecca, July 15, 1851, Liber B, pages 34-35; and Joseph Robinette to Vinny, Denis, Sandy, James Francis, Horace, and Meshach, June 10, 1834, Liber A, pages 356-58.

19. Steigmaier, Dean, Kershaw, and Wiseman, *Allegany County*, Part II; Sanderlin, *Great National Project*; Lowdermilk, *History of Cumberland*; and U.S. manuscript censuses of 1850 and 1860.

20. Litwack, *North of Slavery*, chapter 5; Berlin, *Slaves Without Masters*, 231–32; Horton, *Free People of Color*, chapter 8; Phillips, *Freedom's Port*, 194–204; Carl D. Oblinger, "Alms for Oblivion: The Making of a Black Underclass in Southeastern Pennsylvania, 1780–1860" in John E. Bodnar, ed., *The Ethnic Experience in Pennsylvania* (Cranbury, N.J.: Associated University Presses, Inc., 1973), 101–4; Leslie M. Harris, *In the Shadow of Slavery: African Americans in New York City, 1626–1863* (Chicago: University of Chicago Press, 2003), 264–67; and David Hellwig, "Black Attitudes Toward Irish Immigrants," *Mid-America* 59 (1977): 39–49.

21. Katherine A. Harvey, *The Best-Dressed Miners: Life and Labor in the Maryland Coal Region, 1835–1910* (Ithaca, N.Y.: Cornell University Press, 1969) states that "most of the Irish who joined the western Maryland mining force between 1850 and 1860 had been canal or railroad laborers" (26). If they were, they had not been the Irish who had worked in Cumberland. A name-by-name comparison from the 1850 and 1860 U.S. manuscript censuses yields only five male-headed households and one woman who moved from Cumberland to Frostburg during that decade. The other 165 households simply disappeared from the local census records.

22. Stegmaier, Dean, Kershaw, and Wiseman, *Allegany County*, 111; Stephen Schlosnagle, *Garrett County: A History of Maryland's Tableland* (Parsons, W.Va.: McClain Print. Co., 1978), 143–49; U.S. manuscript censuses for 1850 and 1860; Allegany County Register of Wills (Wills) Henry Smouse, May 27, 1849, Liber A, pages 685–94; Allegany County Circuit Court (Land Records), John Shaffer to Joseph Cooper, October 12, 1836, Liber FF, page 483; Meschack and Catherine Frost to Joseph Cooper, February 7, 1842, Liber CC, pages 99–100, MSA CE-77; Henry Smouse to Joseph Cooper, April 1, 1852, and Joseph and Jane Cooper to Harrison Albright, October 20, 1852, Liber 8, pages 312 and 770–71, MSA CE-78.

23. Stegmaier, Dean, Kershaw, and Wiseman, *Allegany County*, 132–35; Dilts, *The Great Road*, 284–90; and Harvey, *Best-Dressed Miners*, 8–82, 8 and 75 for quotations. The U.S. manuscript census for 1860 notes that Joseph Cooper was living in Detroit; apparently his wife Charlotte had died. Two of his older teenaged sons worked as cooks on boats, the sixteen-year-old attended school, and the oldest son worked as a whitewasher. Clearly Detroit provided the work for these free black men that Frostburg had not.

24. For Julia Bigers, see Genealogy Society of Allegany County "Historical Records of Emmanuel Episcopal Church," Communicants, July 11, 1849. Joshua Johnson had manumitted Tamar Brown in 1851. According to local lore, Brown became the backbone of the small free black community in Frostburg, buying the first plot of land in the area that became known as "Brownsville." Brown, with her earnings as a washerwoman, bought land from Nelson and Caroline Beall in 1866 for \$125; its value (and whatever additional property she acquired) had risen to \$1,500 by 1870. She is "remembered as the founder" of the local black school, "although five black men are named on the deed." See Allegany County Register of Wills (Wills) Joshua Johnson, February 1, 1851, Liber B, pages 84–85; Allegany County Circuit Court (Land Records), Nelson and Caroline Beall to Tamar Brown, February 5, 1866, Liber 26, page 39; Nelson and Caroline Beall to William Jackson, David B. Taylor, George Johnson, Dennis McKinney, William Rederick, and William Johnson, October 10, 1868, Liber 29, pages 30–31, MSA CE-78; U.S. manuscript censuses for 1860 and 1870; Betty Van NewKirk, "Tamar Brown Made Noteworthy Contribution," *Cumberland Times-News*, October 30, 2003; and Lynn Bowman, *Being Black in Brownsville: Echoes of a "Forgotten" Frostburg* (publ. by author, 2011), 27–32.

25. Schlosnagle, *History of Garrett County*, 54–55; Dilts, *The Great Road*, 287ff.; and Stegmaier, Dean, Kershaw, and Wiseman, *Allegany County*, 135–37. An analysis of the U.S. manuscript censuses yields evidence of this sharp shift in the ethnic and occupational make-up of the

George's Creek area. These out-of-staters who did not hire free black domestic servants did not own slaves either.

26. Hershberg, "Free Blacks in Antebellum Philadelphia"; Jackson, *Free Negro Labor and Property Holding*; and Stevenson, *Life in Black and White*, 293–94 for remarks on preferences.

27. Helene L. Baldwin, Michael Allen Mudge, and Keith W. Schlegel, eds., *The McKaig Journal: A Confederate Family of Cumberland* (Cumberland, Md.: Allegany County Historical Society, 1984), passim, and Fields, *Slavery and Freedom on the Middle Ground*, 3, for the "anomalous adjunct" assessment. Only about one-quarter of the free blacks who lived in white households, lived in slaveowners' homes.

28. Charles E. Hoyer, *The Hoyes of Maryland* (Sang Run, Md.: The author, 1942), 114–15 for depictions of Mary Hoyer; Allegany County Register of Wills (Wills), John Hoyer, will, July 10, 1849, Liber A, pages 697–705; and Mary Hoyer, will, October 29, 1875, Liber D, pages 245–46.

29. For Murdoch, see Allegany County Register of Wills (Wills), Levi Hilleary, November 11, 1856, Liber B, pages 99–102; Allegany County Circuit Court (Land Records), deed establishing the African Methodist Episcopal Church at Cumberland, February 9, 1863, Liber 20, pages 505–6, MSA CE-78; U.S. manuscript census for 1860; and Lowdermilk, *History of Cumberland*, 485–86. For Davis and Galloway, see Schlosnagle, *History of Garrett County*, 215–16; F. A. Walker, "The Isaac McCarty Family," *The Glades Star*, 3 (June 1965), 375–76; Allegany County Circuit Court (Land Records), Mary Irons to John B. Davis, August 15, 1859, Liber 18, pages, 278–79, MSA CE-78; Allegany County Register of Wills (Wills), Philip Bray, November 31, 1844, Liber A, pages 540–42; and U.S. manuscript censuses 1840–1880. Interestingly, and another indication of the laxity of slave constrictions in Allegany County, John and Phoebe's first three children were recorded as free blacks on the 1840 census even though Phoebe was not actually manumitted until the probate of Bray's will in 1844.

30. For discussions of the ability to sustain the nuclear family structure among ethnic groups, see Frank F. Furstenberg, Theodore Hershberg, and John Modell, "The Origins of the Female-Headed Black Family: The Impact of the Urban Experience," in Hershberg, ed., *Philadelphia*, and James Oliver Horton and Hartmut Keil, "African Americans and Germans in Mid-Nineteenth Century Buffalo," in Horton, *Free People of Color*.

31. U.S. censuses, 1830–1860. Furstenberg, Hershberg and Modell, "Origins of the Female-Headed Black Family" and Hershberg, "Free Blacks in Antebellum Philadelphia," found only 22–25 percent of free black households headed by women. Phillips, *Freedom's Port*, found the same percentage (25 percent) for female-headed households in Baltimore. In Cumberland, there were 3–6 percent female-headed German households, 11 percent Irish, and 13–16 percent white native-born Marylander female-headed households between 1850 and 1860.

32. By 1860, 16 percent of the white Maryland women who headed their own households had bought some property, 14 percent of the Irish had as well and 6 percent of the German women. Cumberland free black women clearly had a harder time of it; other historians have found that 20–27 percent of the free black women heads of households owned some property; see Schweninger, *Black Property Owners*, 86, and Stevenson, *Life in Black and White*, 297.

33. The average value of the property owned by the Irish rose from \$1,680 in 1850 to \$1,701 in 1860; for the Germans, from \$1,086 to \$1,257. More importantly, by 1860 one quarter of the Irish held land, 40 percent of the Germans, and half of the native-born Marylanders. For similar disparities among Baltimore blacks and their neighbors, see Phillips, *Freedom's Port*, 98–100.

34. For the impact of the profession of barbering, see Douglas Walter Bristol, *Knights of the Razor: Black Barbers in Slavery and Freedom* (Baltimore: Johns Hopkins University Press,

2009); Ann Clymer Bigelow, "Antebellum Ohio's Black Barbers in the Political Vanguard," *Ohio Valley History*, 11 (2011): 26–40; and Berlin, *Slaves Without Masters*, chapter 7. In Cumberland, free blacks monopolized barbering. In 1850, four free blacks had the profession to themselves; two native-born Marylanders appeared in 1860 but were gone a decade later. Only one German-born barber competed with the seven black barbers in 1870, in a city population of just over 8,000 people.

35. While the instructions for the census takers varied from year to year, there is a striking difference in the ways in which those census takers chose to record the types of employments for blacks and the details they attributed to the work of whites.

36. Both smallpox and cholera swept the countryside in the antebellum decades; Lowdermilk, *History of Cumberland*, 151–52, 370 and 378, mentions three specific outbreaks in 1832, 1850, and 1853. The story of Jim and Susan Dorsey is in Hoye, *The Hoyes of Maryland*, 86–87.

37. Allegany County Register of Wills (Orphan Court Proceedings), John the Baptist Bates, June 21, 1853, June 12, 1855, October 23, 1855, and June 24, 1856, Liber F, pages 53, 176, 194, and 224. It is possible that Bates did not return to the state by October 1, 1853, and thus ran into the exigencies of the law that counted free blacks entering the state as vagrants. Initially the vagrancy laws had applied to everyone, but after 1825 only blacks fell under their auspices. See Brackett, *The Negro in Maryland*, 218–19. For the Wallace family, see the Orphan Court Proceedings, Catharine Wallace and her children, July 5, 1853, July 19, 1853, July 21, 1857, and June 1, 1858, Libers F, pages 54 and 55–56, and Liber G, pages, 9 and 53. For Solomon, the same records, July 6, 1858, and October 4, 1859, Liber G, pages 61 and 136; for Jackson, August 31, 1858, Liber G, page 71.

38. The dearth of records and the ignoring of free blacks in the standard histories of Cumberland and the surrounding area make an examination of black community life difficult. Indeed, the one detailed history of the city, Lowdermilk's *History of Cumberland*, virtually ignores the presence of blacks in the city. Lowdermilk did report that "seven colored people" perished when Joseph Sprigg's stable burned down in 1863 (409); otherwise one can only presume that blacks in the city gathered as the railroad arrived, the canal opened, and other momentous events occurred in the city's life. Gleaning reports from other cities and counties in the state yields a clearer picture. See, for instance, Grivno, "There Slavery Cannot Dwell," 189–203; Stegmaier, Dean, Kershaw, and Wiseman, *Allegany County*, 244–47; James W. C. Pennington, *The Fugitive Blacksmith; or, Events in the History of James W. C. Pennington* (London: C. Gilpin, 1849), passim; Jean Libby, ed., *From Slavery to Salvation: The Autobiography of Rev. Thomas W. Henry of the A.M.E. Church* (Jackson: University Press of Mississippi, 1994), passim (Henry cites the law regarding "tumultuous meetings" on page 27); and Fletcher M. Green, ed., "Ferry Hill Plantation Journal: January 4, 1838–January 15, 1839" at <http://docsouth.unc.edu/fpn/blackford/blackford.html>.

39. That Catharine Williams asked that her children be taught to read and write as part of their apprenticeship contracts is significant; no other nineteenth-century recorded apprenticeship contract in the Allegany County Orphan Court records for the period included such a provision for black children and Maryland law did not require that condition for black apprentices. The U.S. manuscript censuses for 1850 and 1860 indicate the residence of the Only and Snowden children as in the homes of friends and neighbors. For the travels of Lucy Lucas, see Allegany County Register of Wills (Orphan Court Proceedings), Lucy Lucas, July 1, 1851, Liber E, page 179; June 7, 1853, Liber F, page 51; June 5, 1859, Liber G, page 125; and August 18, 1863, Liber H, page 151. For the legal records, see Allegany County Circuit Court (Land Records), Eli Robinson, deed of trust, July 23, 1859, Liber 18, pages 268–69, MSA CE-

78 and Allegany County Register of Wills (Wills), Henry Snowden, March 2, 1882, Liber D, page 528, and Harrison Albright, February 7, 1888, Liber E, pages 307-9.

40. Allegany County Circuit Court (Land Records), Harrison Albright, October 20, 1852, December 29, 1855, March 30, 1860, and September 9, 1864, Liber 8, pages 770-71, Liber 13, pages 575-77, Liber 19, pages 20-21, and Liber 22, pages 28-29; Henry Snowden, September 21, 1857, January 1, 1866, and April 14, 1876, Liber 16, pages 215-16, 383-85, Liber 24, page 215, and Liber 47, pages 16-17; Isaac Sweet, May 20, 1846, Liber 3, pages 77-78, and October 2, 1848, pages 255-56, MSA CE-77 and CE-78. For remarks on freed blacks who managed to dodge the law, see Stevenson, *Life in Black and White*, 264-71.

41. For Arianna Tibbs's struggle with the courts, see note 2.

42. Curry, *The Free Black in Urban America*, chapter 11, p. 191 for the quote; George, *Segregated Sabbaths*; Lapsansky, "Since They Got Those Separate Churches"; and Berlin, *Slaves Without Masters*, 284-303.

43. See Vernon Roberts, "Emmanuel Episcopal Church, Cumberland, Maryland, Beneath the Underground: The Flight to Freedom and Communities in Antebellum Maryland, An Archives of Maryland Electronic Publication in Maryland, Stories of Flight" for the Shantytown description. Historians working with populations in larger cities, such as Horton, "African Americans and Germans" (Buffalo) and Hershberg, "Mulattoes and Blacks," and "Free Blacks in Antebellum Philadelphia," found distinct patterns of racially segregated neighborhoods, and even Alexander, "Ambiguous Lives," 104-5, working in rural Georgia, located "neighborhood clusters."

44. For the appeal of Methodism to free blacks, see Curry, *The Free Black in Urban America*, chapter 11; George, *Segregated Sabbaths*; Lapsansky, "Since They Got Those Separate Churches;" Berlin, *Slaves Without Masters*, 284-303; Phillips, *Freedom's Port*, chapter 5; and Lawrence S. Little, *Disciples of Liberty: The African Methodist Episcopal Church in the Age of Imperialism* (Knoxville: University of Tennessee Press, 2000), "Introduction." For the journeys of Thomas Henry, see Libby, ed., *From Slavery to Salvation*, 20-22, and "Historical Essay," 97. Henry had predetermined routes of travel, all verified by white certification, yet was always under observation.

45. Libby, ed., *From Slavery to Salvation*, "Historical Essay," 87, and Lowdermilk, *History of Cumberland*, 485-86. For the purchase of the land, see Allegany County Circuit Court (Land Records), Trustees of the African Episcopal Church, February 9, 1863, Liber 20, pages 505-6, MSA CE-78. For the incorporation of the church and the drawing up of its Articles of Association, see Allegany County Circuit Court (Land Records), Robert Murray and others (James Henry, Philip Only, William Hamilton, and George Cook), November 7, 1846, Liber 3, pages 72-77, MSA CE-77.

46. Lowdermilk, *History of Cumberland*, 484-85.

47. Lowdermilk, *History of Cumberland*, 448-87, described congregations outgrowing church buildings, white and black, throughout this period, and U.S. manuscript censuses, 1840 and 1850.

48. Libby, ed., *From Slavery to Salvation*, 45-50.

49. Little, *Disciples of Liberty*, xii; Lapsansky, "Friends, Wives, and Strivings," 3-11, suggests the same.

50. Brackett, *The Negro in Maryland*, discusses these debates, 234-60; for the quotes about conditions in wartime Cumberland, see Lowdermilk, *History of Cumberland*, 392 and 393.

51. For general discussions of wartime conditions in Cumberland and Allegany County, see Lowdermilk, *History of Cumberland*, 388-424, 397 for the quote, and Stegmaier, Dean,

Kershaw, and Wiseman, *Allegany County*, 174–99; and Baldwin, Mudge, and Schlegel, *The McKaig Journal*, especially 50–62.

52. Lowdermilk, *History of Cumberland*, 408 for the Union mass meeting, and Brackett, *The Negro in Maryland*, 262, for the abolition of slavery in the state of Maryland.

53. Many of the founding families, such as the Onlys, Campbells, Robinsons, Henrys, Grams, Tapers, and Cornishes remained well into the 1880s, and the widow of Thomas Martin (the barber Philip Only apprenticed his son to) was still living in Cumberland in 1910. James Henry (Chloe's son) became a "minister of the Gospel," Philip Only a preacher, and William Campbell a sexton by 1880. Men like Harrison Albright and Fayette Mitchell exemplified the idea of perpetuating a legacy to the church by leaving their congregations both land and cash. See Allegany County Register of Wills (Wills), Harrison Albright, May 29, 1891, Liber E, pages 307–9, and Allegany County Circuit Court (Land Records), Fayette Mitchell, August 11, 1845, Liber 1, pages 257–58, MSA CE-77. For the history of the early schools, see Gertrude A. C. Williams, "A History of Education in Allegany County, Maryland, 1798–1900," (M.A. thesis, University of Maryland, 1936), 159–63; "Cumberland, Maryland, Through the Eyes of Herman J. Miller: An Oral History Project" (Cumberland, Md.: Community Development Program Office, 1978), 326; and Stegmaier, Dean, Kershaw, and Wiseman, *Allegany County*, 263–64.

54. Miller, "Cumberland," 320–34, and Stegmaier, Dean, Kershaw, and Wiseman, *Allegany County*, 244–45.

55. Stegmaier, Dean, Kershaw, and Wiseman, *Allegany County*, 280.

The Censors Who Wouldn't Quit: The Slow Demise of the Maryland Board of Censors

LAURA WITTERN-KELLER

In November 1964, Baltimore theater owner Ronald Freedman found himself on the steps of the United States Supreme Court building. He and his lawyer, Richard Whiteford, had arrived in Washington to present their case for freedom of the screen—the movie screen. By this time, few Americans were giving much thought to film censorship anymore. Most people had forgotten that, in six states and dozens of cities, films had been subject to prior review before exhibition. But Ronald Freedman could not forget, since every film he wanted to exhibit at the Rex Theatre had to be submitted to the Maryland Board of Censors. Irritated to distraction by the censors' restrictions, Freedman was fighting back. In this endeavor, he was standing on the shoulders of a long line of independent film distributors and exhibitors who had fought the prior restraint of movies. Since 1915, dozens of film men had hired lawyers, prepared briefs, and argued before judges, trying to overturn governmental censorship of films. Now, in 1964, Freedman was confident he had the case that would finally topple the regime of prior restraint.

He was only half right. Ironically, the case that his attorney argued before the nine Supreme Court justices that cold November day would end film censorship, but not in Maryland. Film distributors and exhibitors in New York, Virginia, and Kansas would thank Freedman for erasing censorship in their states, but Maryland's censor board went right on interfering with Freedman's right to exhibit the movies of his choice to Baltimore patrons. So it was that a film censorship law passed nearly five decades before in the Progressive Era not only lived on, but precisely because of Freedman's case it was revived by the legislature so censors could continue to shield the citizens of Maryland from all sorts of films for another fifteen years.

Early in the twentieth century, when movies with titles like *The Wages of Sin* and *The House of Bondage* began flooding into Maryland's cities, pressure mounted from irate citizens for some sort of control. Film censorship became a favorite goal of many progressive reformers and reform groups, including the WCTU and the General Federation of Women's Clubs. Pennsylvania, Ohio, and Kansas set up censor

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"The Lady Has Plans." This movie program from the Rex Theatre dates to the 1940s—almost two decades before Freedman went to Supreme Court—and was watched by the censor board to assure its moral and proper values. (Maryland Historical Society.)

boards and Maryland followed in 1916, seeking to protect its citizens from amoral and immoral film content. The board consisted of three members appointed by the governor and confirmed by the state senate. If the censors found something objectionable—and they frequently did—the film distributor was told to make changes and resubmit the film for a second review. If the censors found the film to be hopelessly “obscene,” “indecent,” “immoral,” “sacrilegious,” or otherwise corruptive of morals, they banned the film “in toto.” If dissatisfied with such a determination, the film’s distributor could appeal for review by the Baltimore City Court.

Though Maryland’s film censorship board was born of the Progressive movement, it continued for decades—not just in Maryland but also in Pennsylvania, Ohio, Kansas, New York, and Virginia.¹ All the state boards operated similarly, but the Maryland board had several distinguishing features: it was unabashedly political, it carried an interesting cast of characters, and it was stubbornly long-lived.

Although Progressives also attempted to control salacious or violent content in books, art, and magazines, the censorship practiced on motion pictures was different. Movies were forced to undergo pre-exhibition review to prove that they were acceptable to government officials, whereas potentially salacious literature or photography was subject to control only after it was released to the public. Prior restraint of films, as codified by the Maryland legislature, placed the burden of proof on the person who wished to communicate, effectively reversing the usual legal process. In other words, if Mr. X had a book that was considered dangerously obscene, Maryland could not have kept him from publishing it. He would only become a candidate for an obscenity prosecution after the book’s publication, but he could not have been stopped before his book had become part of what legal scholars call the “marketplace of ideas.” Then, if Mr. X were prosecuted for obscenity, the state would have to prove the charge. If Mr. X happened to be a movie producer or distributor though, his film would never have been seen in a Maryland movie theater if it had been deemed unacceptable by the censors. It would not become part of the “marketplace of ideas” and no one would even know much about it. Moreover, X’s only recourse would be to bring suit against the censors and prove to a judge or a series of judges that his film was not objectionable. Take this scenario and add to it a prevailing judicial climate that considered the legislatively empowered experts of most bureaucratic agencies to be virtually infallible, and the picture of what the motion picture industry was up against in Maryland and elsewhere becomes clear.

Legal challenges came and went over the years, with only a few serious challenges making any real dents in the censors’ power. Any challenges faced a major uphill battle because a case from Ohio in 1915 had set the national precedent that movies deserved no free-speech or free-press protection under the First Amendment.² Only in 1952, in the New York case *Burstyn v. Wilson*, did the Supreme Court reverse itself and consider movies to be legitimate vehicles for the communication of ideas, but even that case failed to put the state censors out of business.³ Ten more years went

by with more challenges and some progress restricting how much the censors could interfere, but censorship of movies went on. Then, in November 1962, Freedman, joined by the anti-censorship Times Film Corporation and backed by the Baltimore Film Society, decided to flout the law by exhibiting an unlicensed film.

A colorful character, Freedman had spent much of his career as an exhibitor doing whatever he could to make life difficult for the Maryland censors.⁴ Like other independent distributors and exhibitors who fought censorship, Freedman did not intend to become a crusader for anything, except perhaps for artistic and foreign films. But the constraints of film censorship in the 1960s, when Americans were experimenting with greater sexual freedoms, persuaded him to become a free speech advocate.

When Freedman bought the Rex Theater in 1961, he created Baltimore's first "art film" house and made a decent living showing classic and repertory films. When he discovered that an off-color film (or exploitation film as it was labeled in the industry) called *The Immoral Mr. Teas* was playing to full houses every night just a few miles away in Washington, D.C., he decided to look into this new genre. That was when he began running afoul of the Maryland censors.⁵ When the censors objected to a scene in one of Freedman's movies, he dutifully removed it for them, only to restore it for his theater patrons. Freedman knew that the censor board in Maryland would never allow him to show truly daring films that were becoming popular and could make him lots of money. He quickly decided that he needed to fight the Maryland censor board and became, in his own words, "dedicated and idealistic . . . full of pep and vinegar and very excited about what I was doing. I still believe in what I did and in freedom of speech. For me it was a severe battle."⁶ He would take along with him the Baltimore Film Society, a loose collection of film enthusiasts that had acquired four theaters in the 1960s for the enjoyment of avant-garde movies. It was the Baltimore Film Society that would bankroll Freedman's considerable legal costs.

Freedman, his supporters in the Baltimore Film Society, and the owners of the Times Film Company set out to test Maryland's censor law in court. Freedman opened a completely innocuous film about the Irish rebellion of 1916 called *Revenge at Daybreak* in November 1962 without the necessary exhibition license and was promptly arrested and fined twenty-five dollars. That was exactly what he and Times Film wanted.

Freedman was "a man with a cause," and the day he was arrested, he instructed his staff to re-sign the Rex theater's marquee to read, "Fight for Freedom of the Screen." Freedman thought he was on his way to toppling Maryland's censorship. Times Film's attorney, Felix Bilgrey, also thought the case represented the "opportunity of a lifetime."⁷ A veteran of the anti-censorship fight in other states, Bilgrey had already lost one case before the Supreme Court, and he was not about to lose again. He had chosen well when he signed on to assist Freedman with *Revenge at Daybreak*.

Unfortunately, Freedman and Times Film soon learned that they were on their

own: the ACLU, which had been espousing anti-censorship positions for years, told Freedman that they "had bigger fish to fry."⁸ In all likelihood, they were concerned that the ALCU might appear to be aiding a pornographer. As an exhibitor of somewhat dubious, off-color films, Freedman did not have the squeaky clean image that the ACLU looked for in a test-case plaintiff. "I had no help from anyone," Freedman said.⁹ With only his attorney, Richard Whiteford, and Times Film's attorney, Felix Bilgrey, Freedman set out on a quest to demolish Maryland's film censorship. By the time the case reached the state's Court of Appeals, Freedman did have some assistance from Hollywood's trade association, the Motion Picture Association of America (MPAA), but for some reason, they dropped out when the case went to the U.S. Supreme Court more than two years later.

"The Armageddon of motion picture censorship"

Before Freedman could get his case before the Supreme Court, he had to run it through the Maryland courts. After losing in Baltimore City Court, Freedman and Bilgrey appealed to the Maryland Court of Appeals, arguing that the censorship statute violated both the First Amendment and the Maryland constitution. Freedman's case questioned not only the process of censoring but also the standards used in censoring and, most importantly, the application of those standards.¹⁰ The appeals court sidestepped those issues by focusing on a narrower question: the state had argued, in defense of its censor board, that since Freedman had not submitted the film for licensing he was only able to question the constitutionality of that part of the statute that required submission, not any of the rest of the statute. After fourteen months of waiting, Ronald Freedman finally got his hearing before his state's highest court—and had his constitutional questions summarily dismissed.¹¹

All was not lost, though. The Court of Appeals opinion gave Freedman ample grounds for review and possible reversal by the U.S. Supreme Court. First, the question of his standing to bring suit on constitutionality issues was certainly open to interpretation. Second, the Supreme Court had been grappling with the issue of film censorship over the previous ten years. Since the *Burstyn* case that had brought movies under the First Amendment in 1952, the Court had heard six more film censorship cases: four were frustratingly ambiguous, one told state censors they could not disapprove a movie because of a theme they disliked, and a final case upheld local censorship in Chicago. Although the justices certainly seemed interested in tackling the issue, their rulings had left little legal traction, and even legal scholars were unsure of the Court's direction. The justices were also in the midst of a major doctrinal shift in the way they scrutinized state laws infringing upon individual liberties like freedom of speech. State film censorship offered them a classic example of just such a law.¹²

Freedman, Whiteford, and Bilgrey filed a petition to the Supreme Court. When the Court agreed to hear the case, the Maryland chapter of the ACLU took notice and

filed an *amicus curiae* brief on its behalf. Freedman's attorneys had argued that the requirement to submit films served no valid governmental purpose. On the contrary, it served two invalid purposes: taxation on the exercise of free expression and the state's ability to delay the operation of a legitimate business. As Bilgrey argued, "to force the appellant to submit his concededly permissible film for censorship as the price of avoiding criminal prosecution, would be to force appellant to expend both money and time to purchase a privilege of expression which, under the Constitution, belongs to appellant as a matter of free right."¹³

Freedman's second argument, which proved telling, concerned the reverse burden of proof in film censorship. The state was not required to prove that a film's content was impermissible under the statute's standards; the owner of the film had to prove that it was not. The usual reason given for the "extraordinary procedural turnabout" foisted upon the film industry more than four decades earlier was the film industry's potential for evil effect, but as Freedman's brief pointed out, in recent years, the Maryland board of censors had been licensing without question 99.5 percent of all the pictures that paid the fee. The state was charging the film industry \$66,000 annually to protect the public from one-half of one percent of its output. "So gross an imposition for so microcosmic an end is surely impermissible."¹⁴

On the other side, attorneys for Maryland dismissed the argument that its statute was constitutionally defective, claiming that it conformed to recent Supreme Court decisions and that most films were not delayed by censorship, since the normal processing time took only twenty-four hours to forty-eight hours.¹⁵

The justices sided with Freedman. On March 1, 1965, the Court handed down a unanimous decision in *Freedman v. Maryland* that transformed the course of governmental film censorship. *New York Times* film critic Bosley Crowther (a long-time, outspoken critic of film censorship) later called the decision "a left hook and right upper cut,"¹⁶ but as much as he might have wanted to, Crowther could not call the decision a knockout. The much sought-after objective—a death blow to censorship by the nation's highest court, was not realized. The justices refused to take that final step and rule prior restraint on film unconstitutional. They did, though, finally make good on the promise dangled before the film industry thirteen years earlier in the *Burstyn* decision. In that case the justices had insisted that the censors must bear a "heavy burden" of proving a film unworthy of exhibition.¹⁷ Now, thirteen years later with the *Freedman* decision, they were going to make good on that requirement. The *Freedman* decision reversed the burden of proof and set up procedural safeguards that kept state and municipal film censorship bodies from delaying exhibition licenses. Never again could a censor board ban a film without judicial approval. Justice William Brennan wrote for the majority, "[any] system of prior restraints of expression comes to this Court bearing a heavy presumption against its constitutional validity."¹⁸ Brennan was troubled that film determinations were made by censors, not by juries. He was concerned that censors who were ap-

pointed would be far less responsive to free speech concerns than a court would be. He coupled that concern with the inevitable delay of censorship, especially where judicial review was necessary, and realized that such delay could have a chilling effect on speech rights. Brennan seemed to understand the realities of the business of film distribution and realized that the stake in a single film might not be enough to make any protracted litigation worthwhile, or even possible. For this reason, Brennan correctly noted, "The censor's determination may in practice be final." Accordingly, in a major reversal of the usual censoring process, he insisted that within a specified "brief" period, censors either approve a film or institute legal proceedings to keep the film from exhibition.¹⁹

Justices William O. Douglas and Hugo Black agreed but went further in a joint concurring opinion. Where the seven-man majority was content to put the censors on a "shorter tether" than previously, Douglas disapproved of all censorship: "I do not believe any form of censorship—no matter how speedy or prolonged it may be—is permissible. As I see it, a pictorial presentation occupies as preferred a position as any other form of expression. If censors are banned from the publishing business, from the pulpit, from the public platform—as they are—they should be banned from the theatre."²⁰

In sum, the *Freedman* decision required three changes in Maryland's censorship statute. First, the burden of proof that a film was obscene shifted from the distributor/exhibitor to the censor; second, prompt legal action had to be instituted by the censor to prove that a film could not be licensed; and third, the censor could not prevent a film from being shown unless a decision had been made in its favor by a court, which meant that lengthy delays waiting for court decisions—sometimes more than eighteen months—were a thing of the past. Because the Maryland statute (and by implication the statutes of the other remaining censoring states, New York, Kansas, and Virginia) did not comply with such requirements, the Court found them procedurally defective and unconstitutional. *Freedman* had not succeeded in getting censorship declared unconstitutional, but the decades-long presumption that constitutionality existed so long as the banned film had recourse to judicial review—no matter how long that review took—had been recognized as innately unfair.²¹

Stunned, Maryland's attorney general, Thomas J. Finan, called the case "the Armageddon of motion picture censorship."²² Another disgruntled local exhibitor, Robert Marhenke, sent his friends at the censor board a telegram reading: "Good Riddance. The unemployment line is just two blocks away. You may join it."²³

With one Supreme Court decision, Maryland, New York, Virginia, and Kansas, as well as the cities of Chicago, Fort Worth, Providence, and Detroit all had their censorship statutes overturned, not because prior restraint on motion pictures was unconstitutional but because their statutes had not set up an adequate procedure.²⁴ Although the Court had not found that prior restraint violated the First Amendment, several state and lower federal courts had already done so. Ohio, Massachusetts,

and Pennsylvania had each invalidated their censoring statutes based on the federal Constitution, while Oregon and Georgia had done so based on their state constitutions.²⁵ Perhaps the Court felt that as long as obscenity remained outside the First Amendment, movies, with their potential for obscenity, had to be reviewed prior to being seen by the public while state courts, closer to political currents, may have realized that censorship's time was running out.²⁶

With the *Freedman* decision, one thing was clear: any governmental body that wanted to continue to censor motion pictures had to redraft its legislation. Then came another Supreme Court decision on film censorship, this time from New York's ban on *A Stranger Knocks*, an artsy Danish import with solid critical acclaim. New York State's highest court had found that its sex scenes were not speech but were conduct and as such could be prosecuted for obscenity. Citing only *Freedman*, the U.S. Supreme Court reversed the New York Court of Appeals.²⁷ By basing the decision only on *Freedman*, the Court made clear that it found New York's censoring apparatus as unconstitutional as Maryland's. Nevertheless, a roadblock remained. Both *Freedman* and the New York case had struck down what the Court saw as *invalid* prior restraints rather than striking down *all* prior restraint.²⁸

The people of New York State could see *A Stranger Knocks* and the people of Maryland could see *Revenge at Daybreak*, but in neither state were censors ready to concede the game. Within three days of the decision, Maryland's General Assembly had drafted a new statute to conform to the *Freedman* requirements, and the New York legislature redrafted its statute within a month.²⁹ New York's redrafted statute failed to conform to the *Freedman* requirements and was quickly struck down by its own state court.³⁰ New York's legislature, weary of all the legal challenges, then allowed its censorship to end in September 1965.

In New York, with no censoring bureaucracy left, film distributors were free to show any movie without prior restraint, but a presumably obscene film could be shut down and the theater owner prosecuted under the state's obscenity statute. That left the motion picture industry in the uncertain position of being free to exhibit a film at least once, yet restrained by the vagaries of police action and judicial opinion. Bosley Crowther, one of the few commentators paying attention to the issue, was concerned: "Judges on the state and federal level are being compelled to act as arbiters of taste and the anomalies are almost as annoying—though not quite as much so—as they were when the function was left almost entirely to the censors who worked behind the scenes."³¹ Here Crowther had pointed out to his readers the crucial change in censorship that came from the *Freedman* decision: henceforward any censorship would at least be an open process.

By the mid-1960s, the concept of film censorship, born in the Progressive Era, and sustained by fear of radicals in the 1930s, wartime patriotism of the 1940s, and anti-Communism in the 1950s, was coming into direct conflict with massive societal changes that had begun with the end of World War II. Rock 'n' roll became over-

whelmingly popular and played a major role in the turn away from the conventional morality of the 1940s and early 1950s. The new music promoted individualism, hedonism, drugs, sex, and love. "Cultural authority," to use David Farber's term, shifted from parents, church leaders, educators, and political leaders to the self, and a culture that emphasizes self is not likely to suffer rigid social controls.³²

Moreover, within the art world, cultural authority was shifting from those who followed the rules of art to those whose daring became more important than the art they created. Momentum swung from maintenance of status quo to change for change's sake. Since film censorship's very reason for being was to maintain the status quo, it began to appear unnecessary and indeed illegitimate. In this atmosphere of nonconformity, rebellion, self-expression, and anti-materialism, state and municipal censors stood like symbols of the old norms. Born as a bulwark against societal upheaval during the Progressive period, governmental film censorship would break down in the social unrest of the rights revolution. Even the Hays Office of the Motion Picture Association of America would give up its Production Code in 1968, morphing its control over film content into a voluntary ratings system. Government film censorship, victim of adverse court decisions and public disinterest, died out in all the states too, except for Maryland.

Maryland Censorship, Part II

The same day Maryland learned that the Supreme Court in *Freedman* had invalidated the procedures it had used for forty-nine years, state legal officers began working on an amendment to bring the state into compliance. The next day, Maryland legislators received the proposed revision for debate. The new rules gave the censor board five days to review a film with an additional three days to seek a permanent ban on any film deemed obscene. The court had three days to review the case and two more days to decide whether to uphold the board or force it to license the film. This meant that the exhibitor or distributor had to wait a maximum of only thirteen days for a decision. Mindful of *Freedman*, and anticipating a court challenge, the statute warned the censors that: "The burden of proving that the film should not be approved and licensed shall rest on the Board."³³ Any appeal from the Baltimore City Court went directly to the Maryland Court of Appeals, with an expedited hearing. "That's about as fast as anyone could move," said an obviously satisfied Deputy Attorney General Robert C. Murphy.³⁴

The legal officers and legislators had not only worked quickly, they had worked well. Though rammed through, the newly drawn amendment to Maryland's law was well constructed: Assistant Attorney General Roger Redden told the *Baltimore Sun* he was confident that even with new procedures, films that would have been banned under the old statute stood no chance under the new one either.³⁵

The new statute frightened off at least one potential challenger. Distributors of the sensational film version of *Ulysses* decided not to challenge Maryland despite a

successful injunction against the Chicago censors, because they feared that Maryland's law was constitutionally invulnerable.³⁶ Succeeding legal challenges also proved that the new statute satisfied *Freedman's* procedural requirements. Neither the Maryland Court of Appeals nor the U.S. Supreme Court would find fault with the amendment.

Maryland continued to censor energetically. According to Ronald Freedman, the new censor board chairman, Egbert Quinn, "wanted to stop everything."³⁷ One year into their new procedures, the board reported an increase in the number of films banned, from nine in 1965 to thirty in 1966, and predicted there would be thirty-five in fiscal 1967.³⁸

While Maryland's top lawyers were successfully redrawing the statute, anti-censor forces were also busy. One disgruntled distributor sent the board an "obscene" telegram and another filed a new lawsuit, not over a disputed film but over the censors' paychecks. This new suit alleged that because of the *Freedman* decision, the censors were fraudulently drawing state salaries. In response, a judge ordered the entire board and its employees to show cause within thirty days why they deserved to be paid.³⁹ They were saved from this embarrassment when the legislature salvaged their operation.

Under fire for their remuneration, the censors also had no work coming in; the major film distributors simply stopped submitting films for review.⁴⁰ When films did begin to roll in again, the first one—the film that had brought down the New York censorship statute just a few weeks before—created a major confrontation.⁴¹ Trans-Lux Company, an avowedly anti-censorship distributor, had used its arty Danish import, *A Stranger Knocks*, specifically to test New York's newly revised statute, and by submitting the film in Maryland they made it clear that they intended to use the film to attack Maryland's statute as well. The first film submitted under Maryland's new rules became the first film rejected, which certainly suggests that the Maryland censors were also looking for a confrontation. Banning a film just cleared by the Supreme Court was a provocative move. True to their new regulations, the board immediately instituted legal proceedings to ban *A Stranger Knocks* permanently from Maryland screens. The attorney general notified Trans-Lux to expect no license but a judicial determination. So far, the system was working exactly as the Supreme Court and the Maryland legislature had intended. After a day of hearings, a judge of the Baltimore City Court affirmed the board's order.⁴²

Maryland's re-drawn statute was much more resilient than New York's had been. A legal decision on *A Stranger Knocks* certainly came sooner than it would have before *Freedman*, but the case also revealed the fallacy of the Supreme Court's directive that there could be any truly rapid resolution of film censorship disputes. Trans-Lux's lawyers followed the new procedures and appealed the city court's decision to the Court of Appeals. Although the Court of Appeals was required to hear the case quickly, what that meant was not clear, and the appeal wound up taking two



Egbert Quinn was the Chairman of the Maryland State Board of Censors. (Maryland Historical Society.)

more months, faster than the pre-*Freedman* cases but hardly the swift resolution the Supreme Court had probably envisioned.

When the decision did come down, it offered both sides some degree of satisfaction. For Maryland's attorney general, the court found the new censoring procedures acceptable.⁴³ For the Trans-Lux company, the judges found the film not obscene and ordered it licensed. Instead of taking the eight days that had been predicted by the attorney general's office, though, the process had actually taken two and a half months.

Film censorship had been dealt serious blows by the nation's courts, and with each blow had come changes, but, even though it had been weakened, censorship was still not dead everywhere. It was a bit like the plague victim in the opening scene of *Monty Python and the Holy Grail* who weakly protests as he is being carried to the undertaker's wagon that he is "not dead yet." Maryland chugged on and municipal boards continued to restrain films in Memphis, Dallas, Chicago, and a host of smaller cities.

In utter frustration, some Baltimore exhibitors had begun a sort of guerilla war with the censor board. Freedman continued replacing eliminated scenes once he got

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his films back, and Robert Marhenke produced unflattering cartoons of the censors that he handed out at his theater and published in local newspapers. Four years after Freedman's Supreme Court victory, Marhenke displayed the chief censor's phone number on the screen, suggesting that patrons call her late at night to complain about censorship. Eager patrons took him up on it. The first night of her number being posted, twenty calls after 11 P.M. disturbed Mrs. Schechter's evening. That was just the beginning. Marhenke also brought a series of pestering lawsuits against the censors and even hired a sound truck to drive through Schechter's neighborhood shouting unpleasant things about her for her neighbors' edification.⁴⁴ Apparently he had appointed himself the censors' biggest pest and was a frequent visitor to the board's offices (required by law to be open to the public), where he loitered, harassed the staff, and demanded to read the minutes of their meetings.

Legal cases, other than Marhenke's nuisance suits, also continued. In July a federal district court found a Memphis municipal censorship ordinance to be unconstitutional under the Freedman requirements.⁴⁵ It was only the second case to come up after *Freedman*. Since the Memphis case relied upon *Freedman* and its procedural requirements, *Freedman* was on its way toward attaining a sense of permanence and the aura of precedent, at least in the federal and highest state courts.⁴⁶ The Maryland censor board would suffer through another fifteen test cases before censoring its last film in 1981.⁴⁷

"As Titillating as a Ton of Coal"

A few months after surviving their first big test in the *Trans-Lux* case, Maryland censors were subjected to a lecture from the Court of Appeals when the distributors of a movie called *Lorna* appeared and appealed. *Lorna* was the product of "the King of the Nudies," Russ Meyer. Though not full-blown pornography by today's standards, *Lorna* represents a way station on the road to the sexploitation films that blossomed in the 1970s. Each film that Meyer made became a bit more explicit and a bit less taxing on the costume budget. The title character is a bored housewife who is raped by an escaped convict to whom she later takes a liking. When her husband comes home early and finds the two together, he kills them both. The story is punctuated at beginning and end by a mysterious stranger who rants about eternal damnation for such sinners.⁴⁸

The Court of Appeals chastised the censors for not supplying any evidence of the film's obscenity beyond the film itself because the distributor had given the court ample evidence that the film was not obscene. This included a list of places where the film had been shown without incident. A far cry from early days of film censorship litigation in the 1930s when anti-censorites begged the courts to consider the opinion of critics but judges refused, the Maryland high court now insisted upon it: "Save in the case of the exceptional motion picture which not only speaks for itself but screams for all to hear that it is obscene, the Board under the statute of 1965 will need more than the film to support its opinion in court."⁴⁹ A few months earlier,

the Court of Appeals had praised Trans-Lux's brief for its copious expert testimony and had set it as the model for other challengers to follow. Three cases challenged the new Maryland procedures in rapid succession; in each the board failed to supply the requisite expert assessment of the film's obscenity—and lost. Finding experts to testify to obscenity apparently proved far more difficult than finding experts to testify to a film's redeeming value.

The second case to catch the Maryland censors without expert testimony involved *Dirty Girls*. The title, which director Radley Metzger later regretted, is far more suggestive than the film itself.⁵⁰ It follows the affairs of two beautiful European call girls, a dicey subject, yet even when it was made it was considered more artistic than exploitative. Once again, the Maryland Court of Appeals found any censor determination not backed by corroborating evidence unsustainable. The distributor provided some evidence that the film was not obscene by showing that it had been passed by the censors of New York and Detroit and exhibited without incident in fifty cities. The censor board lost again.⁵¹

The third case appeared before the Maryland Court of Appeals in February 1966. Distributor William E. Hewitt, who had become Freedman's partner, had submitted the provocatively titled *This Picture is Censored* for review the previous October. The production included an introduction about film censorship followed by scenes purportedly cut from films by state censors.⁵² An assortment of women "dressing and undressing, romping around a nudist camp, playing on and in beds, acting as artists' and photographers' models, being seduced, assaulted, tortured and dismembered" follow for about an hour. Promptly found obscene, the film landed in the Court of Common Pleas before a jury.⁵³ Hewitt employed Freedman's attorney, Richard Whiteford, who argued that the revised statute was unconstitutional and that the film was not obscene. The trial judge, in a surprising display of judicial initiative, had decided to have the twenty-five-member jury view the film and then fill out questionnaires detailing their reactions. The judge suggested that since the Supreme Court decisions in *Roth* (1957) and *Jacobellis* (1964) required the use of community standards in determining obscenity, he could find no better way to ascertain the average reaction to *This Picture is Censored* than to ask the twenty-five citizens empanelled in the jury box. Five of the jurors, pre-selected by the Board of Censors, were sworn in as witnesses. The five were a rabbi, a Catholic priest, a Protestant minister, an American Legion adjutant, a probation officer, and a juvenile court consultant. Not surprisingly, each found the film obscene. The other twenty jurors' questionnaires were admitted into evidence. Whiteford repeatedly objected and moved for a mistrial, to no avail.

On Whiteford's appeal, the Court of Appeals found the entire proceeding unacceptable and ordered the case back to the lower court for rehearing. As to the film's obscenity, the Court of Appeals seemed amused by the censors: "While there is a most generous display of the female epidermis, both fore and aft, the whole thing

is about as titillating and exciting as a ton of coal," wrote Judge J. J. McWilliams for the unanimous court.⁵⁴

The saga of Hewitt and *This Picture is Censored* went on. Remanded for a new hearing, the trial judge again found the film obscene and Hewitt was back before the Court of Appeals again in July. This court had consistently held that expert testimony was necessary in order to determine obscenity and this time the censor board did its best to supply it, but the judges were not impressed.⁵⁵ They looked at the qualifications of each of the five witnesses from the jury pool and found that not one would begin to qualify as an expert who could testify to community standards of decency. The court then looked at the board's experts (two local film critics, a correspondent for movie industry trade magazines, and an English professor) and decided that none of them were qualified either. The Court of Appeals was more inclined to view the censors' experts as endorsing the film's social value, not its alleged obscenity. Once again, even with experts, the censor board was overruled.⁵⁶ The highest court of Maryland had refused to uphold its censor board on any case since the inception of the new procedures, a fact stridently noted by some anti-censorship legislators.

"Still Stubbornly Censoring"⁵⁷

By 1968, film censorship had finally become an issue of sorts in Maryland state politics. Governor Spiro T. Agnew, who later became famous for railing against liberal causes, requested abolition of the board, but the legislature would not cooperate. Agnew "reluctantly" approved funding, but at a level too low to pay the censors' salaries (he was clearly trying to send them a message). "Nobody's satisfied with the way censorship works," Agnew said. "This is one of the most difficult subjects I think I've ever encountered. It's difficult to protect young minds against prurient material while . . . preserving free speech."⁵⁸

In the process of protecting Maryland's young minds, the censor board kicked up many more cases. At the lower court level, the Maryland censors had picked up a faithful ally. Judge J. Gilbert Prendergast of the Baltimore City Court upheld the wishes of the censor board eight times in succession immediately after adoption of the new post-Freedman procedures. Beginning with *A Stranger Knocks* and continuing with *Lorna*, *Warm Days and Hot Nights*, *A French Honeymoon* and *Dirty Girls*, this sympathetic judge consistently ruled that the censor board had properly refused licenses. He went on to give his judicial blessing to bans on *Cherry's House of Nudes*; *Dr. Sex*; and *Crazy, Wild and Crazy*.⁵⁹

For all of their success in the lower courts, the censors were startlingly unsuccessful at the appellate level. Indeed, this caused charges that the censors were out of step with societal mores and judicial requirements. Representative Alexander Stark called Maryland's censorship "an intellectual insult and a legal anomaly."⁶⁰ It would seem that the Maryland Court of Appeals agreed with him: the only appellate-level decision to go in the censors' favor involved peep shows.⁶¹

Mindful of the growing opposition to censorship, eighty-two-year-old censor board chairman Egbert L. Quinn took the offensive. Thinking it a good idea to reinforce the board's determination of what would be harmful for children, he asked for and got a panel of psychiatrists, artists, psychologists, and educators.⁶² The board also began arranging private showings of exceptionally horrid scenes to groups sympathetic to the censors. Early in 1968, they ran an exhibition for a group of women's organizations and local Kiwanis clubs.⁶³ On March 11, they even screened for legislators a film about strippers that was currently in litigation. The *Baltimore Sun* wryly noted that a similar legislators' screening the year before had been "well-attended."⁶⁴

Though we know little about the censors of the other states, particularly those of New York and Ohio, news accounts about the Maryland board provide some insight into its personnel. The board was made up of three political appointees who were assisted by civil servant reviewers. Censorship authority was usually wielded by one of the governor's cronies. In 1966, for example, censor board chairman Quinn was a personal friend and neighbor of Governor J. Millard Tawes. A small-town newspaper publisher, Quinn was estimated by *Baltimore Sun* reporter James Dilts, with tongue firmly planted in cheek, to be Maryland's most experienced censor. Here is the evidence Dilts used for his characterization: for six years when Quinn had been in the state legislature, his good friend Norman Mason was the chair of the censor board. Since the censor board met in the basement of the legislative office building, Quinn would stop by whenever he had some free time to watch some movies and listen to the censors' conversations. This, according to Dilts, made him more qualified than any of the other people who had held the chief censor position in Maryland.⁶⁵

Quinn's two fellow censors in the late 1960s were Margery Shriver, a housewife and part-time college student, and Mary Avara, a Baltimore bail bondswoman and fiercely devout Catholic. Avara, who had dropped out of high school after ninth grade and subsequently been criticized in 1963 by a group of theater owners for her lack of education, claimed that her best qualification to be a censor was her motherhood, a claim that today's MPAA uses for its anonymous film raters. She also believed her upbringing made her a better censor: "I didn't learn about any of this filth when I was growing up—and I had eleven brothers and sisters," Avara told a *Baltimore Sun* reporter. "When one of my sisters asked where babies come from my mother beat her unmercifully. . . . We led a beautiful sheltered life."⁶⁶ Avara apparently thought all children should grow up similarly sheltered. She remained on the censor board for twenty years until its demise in 1981. She was polite to the distributors, but fanatical when she made up her mind that a scene could be harmful. "Every time she cut a picture she thought she was making points to get into heaven," said Freedman. When the octogenarian Quinn died in 1968, Governor Agnew nominated his friend, attorney Joseph Pokorny. This latest chief censor was more than slightly out of step

with the times: he was so morally conservative that he disapproved of *The Graduate* because he thought it degraded motherhood. (*The Graduate* won one Academy Award and five Golden Globes.) He also opposed films dealing with adultery because "they could do great harm by lessening respect for the institution of marriage, which is," as he said, "one of the foundations of Western civilization."⁶⁷ Without the interference of the U.S. Supreme Court, the Maryland censor board might still have been banning films like *Anna Karenina* and *Bonnie and Clyde*.

Most of the challenges to Maryland's censoring stemmed from arguments about what was or was not obscene. However, one case did not challenge an obscenity determination. This case, nothing more than a nuisance, was another from William E. Hewitt, who claimed that two of his films had been unconstitutionally delayed in the review process. After reviewing so many film obscenity cases, the Maryland Court of Appeals judges could hardly contain their elation that this time, for once, they would not have to view another suspect film. The majority opinion began: "We here decide the first moving picture censorship case . . . in which (by stipulation of the parties) we have not had to view the suspect film. Our relief at this is great and joy fills our hearts." Although the court was made joyful by the agreement of the parties, it found in favor of the censors, ruling that a two-day delay in the court hearing was not an affront to due process.⁶⁸ Any attempt by disgruntled exhibitors to use the exact letter of the law would not meet with favor at the Maryland Court of Appeals.

I am Curious (Yellow)

The Maryland board and film distributors got along uneasily through the next two years until a Swedish film called *I am Curious (Yellow)* came along. This was the first major film to show fully nude actors. A box office success, *I am Curious* still ranks as the sixth highest grossing foreign language film despite its odd pseudo-plot and leftist political rantings. It masquerades as a documentary about a young girl exploring sexual relationships and political affairs at the same time, often confusing the two.⁶⁹ Although it broke new ground, its eroticism was in the eye of the beholder. Famed film critic Roger Ebert wrote, "It is anti-erotic. Two hours of this movie will drive thoughts of sex out of your mind for weeks. See the picture and buy twin beds."⁷⁰ Maryland's attorney general saw it differently and told the *Baltimore Sun* that "if the board cannot ban this sort of hard-core pornography masquerading as art, then I suppose it cannot ban anything and should be abolished." Comparing it to a "stag" film, he said that such a film "infects and contaminates."⁷¹ Indeed, *I am Curious* already had a long legal career, starting with its introduction into the country. It was found obscene by Customs, then set free by the Second Circuit of the U.S. Court of Appeals. At the time it arrived in Maryland, courtesy of distributor Grove Press and exhibitor Howard Wagonheim, it was the object of several suits and counter-suits.

The Maryland censors promptly banned the film. As they readied for court, both

sides aggrandized their positions. Maryland's chief law enforcer, Attorney General Francis B. Burch, said that licensing the film would be tantamount to "unconditional surrender to those who want to exhibit hard-core pornography," and Grove Press crowed that its challenge would abolish the Maryland censor board entirely.⁷²

Confronting censorship had become a business staple for Grove Press. Specializing in what has been called "combat publishing," its owner, Barney Rosset, had built his house on controversial books like the unexpurgated version of *Lady Chatterley's Lover* and *Tropic of Cancer*, as well as the magazine *Evergreen Review*.⁷³ Rosset was a natural in the anti-censorship business who described himself as "a type of free American spirit, against censorship" by nature. Once he became a publisher, Rosset was even more convinced that censorship was wrong and that he should be allowed to publish whatever he wanted. Recognizing the immense potential of European writers like Samuel Beckett, Eugene Ionesco, and Jean Genet, he began importing previously unknown works. Then he turned to Anglo-American radicals like Henry Miller, William Burroughs, D. H. Lawrence and political radicals like Malcolm X and Che Guevara. He summed up his literary philosophy this way: "If a book has literary merit, you publish it. If you get arrested in the process, you fight it." He later admitted that his publication of the unabridged *Lady Chatterley's Lover* was a deliberate attempt to provoke an obscenity confrontation.⁷⁴ Thus began a long struggle with the censors and the courts of the United States. After winning several censorship battles, Rosset brought Grove Press into the film distribution business. At the time, forces supporting censorship were still so strong that his business was being monitored by the FBI, the CIA, and the Army.⁷⁵ He was going ahead with his plan to bring *I am Curious* to as many states as possible when he ran into the Maryland censor board. The stage was set for a clash between two champions on opposite sides of the film freedom question: the combat publisher versus the only state censor board in the United States.

In circuit court, the censor board demonstrated that it had learned its judicial lesson and presented expert testimony from a psychologist and an educator that *I am Curious* was obscene. A sculptor also told the judge that the film had no artistic value. But Grove's crusading anti-censorship attorney, Edward de Grazia showed that the film had been exhibited in twenty-three cities to more than three-quarters of a million viewers. He also brought out a parade of experts with impressive credentials, all testifying that the film had redeeming social value. Judge Joseph L. Carter nevertheless found the film to be obscene and held that the time had come "to halt . . . their [pornographers'] program. This does not mean a return to Puritanism by any stretch of the imagination, but it does mean a return to sense and decency." Although Grove Press had produced numerous expert witnesses, the judge had made a personal decision that the film should not be shown even though the Court of Appeals had been demanding the opinions of experts for three years.⁷⁶

Surprisingly, the Court of Appeals also found against *I am Curious*, saying that



Mary Avera and Egbert Quinn viewed thousands of films and had the power to force theater owners to edit films as they deemed necessary. Mary Avera became a cult figure, appearing on nationally syndicated talk shows. (Maryland Historical Society.)

the film's overriding theme was "sex, per se."⁷⁷ A dissenting opinion faulted the majority for ignoring the preponderance of expert testimony in the lower court that the film had social value and for ignoring the Supreme Court's mandate that expression be closely protected. This decision made clear the distributor's dilemma: what would the State of Maryland allow? As late as 1969, the highest court in the state had refused to follow the Supreme Court's direction on the determination of obscenity. Here was a film that was clearly outside the norm of community standards, yet by most accounts held at least some social value—a situation that should have met the Supreme Court's standards for a non-censorable film—and the Maryland Court of Appeals ruled against it. Afterward, Maryland's attorney general, feeling vindicated, reiterated his statement that if the censors had lost in the Court of Appeals, he would have recommended the board's abolition. Asked whether he would feel the same if the Supreme Court should decide against Maryland, he answered, "it would logically follow, wouldn't it?"⁷⁸ Such temptation the anti-censorship forces of Maryland could hardly ignore. Between Ronald Freedman, Howard Wagonheim, Barney Rosset, and "the everlasting Board's habitual agitator, [Robert] Marhenke,"⁷⁹ the censors had a large contingent of adversaries eagerly awaiting the chance to get the Supreme Court to invalidate Maryland's prior restraint.

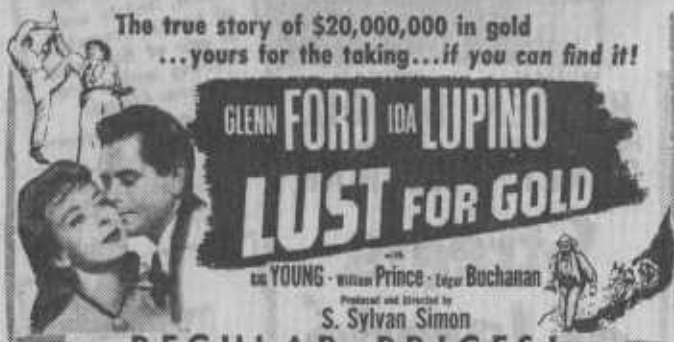
One of those enemies, Wagonheim and the attorneys of Grove Press, managed to get the case of *I am Curious* before the Supreme Court. By the time the Maryland case reached the Court, another case involving *I am Curious* in Massachusetts was also on its docket, and there were numerous cases in the lower courts. Exhibited in more

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than 125 communities, the film also found trouble in twelve cities, including Atlanta, Detroit, Denver, Cleveland, and Philadelphia, and in numerous smaller towns.

Grove Press and Wagonheim came to the Supreme Court with lots of friendly assistance. Their case was buttressed by *amicus curiae* briefs from the Independent Film Importers and Distributors Association (IFIDA), the National Association of Theatre Owners, the Adult Film Association of America, and by the MPAA. In oral argument, Attorney General Francis B. Burch argued that the Court must let the states decide obscenity issues. Echoing his earlier statements made for the press at home and the overall frustration on the issue on both sides, Burch told the justices that he would rather see all censorship abolished than have the current state of confusion engendered by the Court's ambiguous rulings continue. Wagonheim's attorney, de Grazia, explained that the film had been shown in 180 cities to 5.5 million people in forty states, clear evidence, he said, that the film was not pornographic. The Court must charge the states, de Grazia said, not to interfere with any material short of hard-core pornography so long as it was available only to consenting adults. According to the *Baltimore Sun*, "virtually the only thing the two lawyers agreed on was that the law governing obscenity and pornography is in a state of 'confusion,' and that the court should issue a 'clear' mandate." Pressed by the Court to explain how obscenity could fairly be determined if left to the states, Burch cribbed from Justice Potter Stewart's famous line and replied, "I know pornography when I see it."⁸⁰

Both sides of the issue hoped that a decisive ruling by the Court in this case would "lift the fog" that had come to surround filmic obscenity, but that was not to be. On March 8, an evenly divided Court meant that the Maryland Court of Appeals ruling finding *I am Curious (Yellow)* obscene would stand. (Justice Douglas did not participate because of a possible conflict of interest with Grove Press.) The main issue, whether the film and others like it were constitutionally protected speech, was deferred. In the preceding four years, the Maryland censor board had been beset by eight legal challenges, and still it stood. In the end, the case of *I am Curious (Yellow)* was an anticlimax. After another year of haggling with the censor board, Grove Press agreed to make some cuts, and the film was finally licensed in Maryland after a great expenditure of both time and money.⁸¹

The Grove Press/*I am Curious* situation brought up a salient issue for those working to end censorship: how to pay for the litigation. The ACLU, which had publicly denounced censorship three decades earlier, had been able to assist only a few cases. Both the national office and its state affiliates needed promising litigants and local attorneys willing to take on the cause of the motion picture distributors. With its resources strained by many civil liberties issues in the mid-twentieth century (separation of church and state, public speech, loyalty oaths, civil rights, defendants' rights), the ACLU can hardly be faulted for the minor role it played against motion picture censors. The MPAA also had other issues. As a member organization, it had to run its affairs by committee. Fighting for foreign or independent production was

not likely to appeal to its dues-payers. Those who chose to fight the censors were largely on their own. Ronald Freedman bankrupted his Baltimore Film Society with his crusade to the Supreme Court, but Grove Press hit on an ingenious financing solution. De Grazia had set up a plan that encouraged local attorneys to take the local cases for contingency fees based on box office receipts in their local area.⁸² Grove did not have to shell out cash in advance, and each attorney had a vested interest in whether the cases were won. Moreover, simultaneous litigation could be carried on all across the country. De Grazia had figured out a perfect solution. Grove Press was able to carry on its cause litigation by convincing attorneys to gamble on the outcome of their own work in their local courts.

Peep Shows

Along with films like *I am Curious (Yellow)*, the Maryland censors were beset with what became known as "peep show" films—16-mm. exploitation films viewed in coin-operated booths. Because the Court of Appeals had interpreted "film" to include the peep show style, all such motion pictures had to be submitted for censorship. Since the vast majority of such films were created only for salacious purposes, and since they were not regulated elsewhere, the situation was tailor-made for legal confrontations. Four cases challenged the Maryland censors, with one making it to the U.S. Supreme Court in 1974.⁸³ In the first case, store owner Al Star delivered a truly "broadcast attack" in federal district court, arguing that the Maryland amendments to the censorship statute did not satisfy the *Freedman* requirements, that the police had acted improperly, that the board was unqualified, and that the statutory language was overbroad. He complained that the process took too long, that it allowed fines for the interim exhibition of a film even if it later was termed non-obscene, that obscenity was determined without jury trial, that there was no element of *scienter* (a legal requirement that reasonable people have some understanding of a law), that the board did not have to give its reasons for license denial, and various other failings. The federal district judge pointed out, however, that *Freedman* did allow restraint on exhibition of a film in dispute and that the Supreme Court had expressly dismissed the necessity of jury trials. After Star had thrown every conceivable charge at the Maryland censor bureaucracy, the district court found all of them baseless and pronounced the Maryland procedures fully in compliance with the *Freedman* requirements.⁸⁴

Rebuked in the district court, Star petitioned for and received *certiorari* to the U.S. Supreme Court, which upheld the district court without opinion. A dissent by Douglas repeated his oft-made statement that any prior restraint violated the First Amendment. In a separate dissent, Brennan found that so long as questionable materials were not made available to juveniles or to non-consenting adults, neither the state nor the federal government had any reason to become involved. Clearly, he wrote, the Maryland statute was overbroad in its definition of "obscene."⁸⁵ The

only certainty stemming from this case was that the Court had refused to strike down Maryland's censorship—again. Without any explanation, a five-man majority of the Court had examined the state's prior restraint of film and had found nothing to adjudicate. The state's newspapers, weary of the censorship controversy, called upon the General Assembly to put film censorship out of its misery. "Now that the court has found prior state censorship of obscenity to be constitutionally permissible, it will be up to legislators to have the courage to say that it is not wise," the *Sun* editorialized.⁸⁶

The same year that the issue of peep shows went before the Supreme Court, *Deep Throat* debuted across the country. A theater manager had been arrested after showing the film without license. All three of Maryland's censors agreed that *Deep Throat* was "vile," "filthy," and "common garbage."⁸⁷ At the hearing to restrain the film, circuit court Judge James W. Murphy listened to three experts testify that the film did not appeal to prurient interest and that it had redeeming value, but he held to his own opinion instead, finding the film "much more persuasive than the expert testimony."⁸⁸ Once again, a Maryland lower court judge had ignored experts. The exhibitor, Mangum, had also entered into evidence the results of a survey to prove that the average person, "applying contemporary community standards" would not find the film obscene. Judge Murphy felt free to ignore that as well, since it was clear that those surveyed had not actually seen *Deep Throat* but were answering hypothetical questions about filmic nudity and sex acts. *Deep Throat* would not be licensed in Maryland.

If Mangum expected a reversal from the Court of Appeals, which, after all, had been the usual pattern, he was stunned because the high court not only agreed with the lower court but did so unanimously. The Court of Appeals not only found the film obscene, it laid down a definition of obscenity for all future cases. It would be, the court said, whatever the U.S. Supreme Court had most recently decided it would be. In one fell swoop, then, the Court of Appeals recognized that a clear definition was necessary, yet it neatly sidestepped the issue by deferring to the Supreme Court. That provided film distributors and exhibitors with little legal traction because definitions of obscenity could change rapidly and would depend on knowledge of the Supreme Court's latest rulings. Moreover, because legal scholars frequently disagreed over the practical meaning of the high court's pronouncements, the average distributor would undoubtedly have trouble figuring out what was censorable and what was acceptable. Difficult as it was, that was the only way, according to the Court of Appeals, because the legislature had not attempted a definition of obscenity since the *Freedman* decision. That legislative reticence clearly indicated to Maryland's highest court that the lawmakers expected judges to be the final arbiter of the definition.⁸⁹ And so, nine years after *Freedman*, the U.S. Supreme Court and the Maryland Court of Appeals had both refused again to strike down the censorship law. Repeated attempts to repeal the statute had also failed and the Maryland State Board of Censors went on censoring.⁹⁰

Not only did the Maryland censors stay at work, they also found their reach expanded by a 1976 court decision. Finding a dismemberment film "obscene," the board was gratified to learn that a Baltimore circuit court judge expanded the definition of obscene to include sexually related violence.⁹¹ There would be no *Texas Chainsaw Massacres* on the screens of Maryland.

A 1977 effort at repeal was thwarted by the censor board's longest tenured member, Mary Avara, who had become almost legendary in Maryland after her years of censoring. She did not shy from the spotlight and frequently granted interviews to Baltimore newspapers. Each year when repeal bills were introduced, Avara would flamboyantly and effectively plead for the life of the censor board. The *Baltimore Evening Sun* called her annual legislative appearances "The Mary Avara Traveling Salvation Show, one of the state's longest running epics." At one of the hearings, the very colorful Mrs. Avara told legislators: "When I came in here today I expected to see everyone nude. That's all I ever see. . . . I have to look at this five days a week. At the end of the week, I say 'Thank you, Jesus.'" The audience broke into applause. Speaking of her steady diet of film filth, she said, "I have to stop eating a lot of foods because of what they do with it in these movies. . . . Mrs. Wright goes home and cries. Harrison gets upset. And Andreadakis can't eat his hotdog." In a 1979 interview, she told the *Baltimore News-American* that "If they could have foreseen the future, the Bill of Rights would never have been written."⁹²

In the end, Maryland's decades of film censorship came to an end with a state sunset law in 1981. Neither the Supreme Court, which had been slowly chipping away at the procedures and standards of all governmental censorship bodies, nor the Maryland Court of Appeals ever ruled prior restraint on film unconstitutional. Such was the undying belief in film's special capacity for evil effect. The motivating force that set censorship in motion during the Progressive Era had still not died by the rights revolution of the 1960s and 1970s. Even today, experts cannot agree whether film can motivate people to take action that they otherwise would not consider. As long as there is a possibility that young people can be infected with salacious or violent ideas from the movies they watch, they will be considered dangerous. Indeed, no legislature ever voluntarily overturned its film censorship. Those lawmakers who ended their states' censoring did so either because their attorneys general advised them to or because they had been forced to by a court. Even in Maryland, censorship was neither overturned nor repealed. It just faded to black.

The last film submitted to a state censorship agency was the James Bond installment *For Your Eyes Only*. On her last day at work, Mary Avara, who by then had become a national celebrity from appearances on popular talk shows, remarked: "I don't think I'll ever look at another movie."⁹³

The Legacy of Freedman

In the 1950s, the *Burstyn* decision had produced a litter of follow-up cases, each

seeking some judicial clarity. In the sixties and seventies, the *Freedman* case also had its progeny. At the U.S. Supreme Court, *Freedman* has served as precedent for ten more cases after it was used to overturn New York's statute in the *Trans-Lux* case.⁹⁴ It also served as precedent for twelve U.S. Court of Appeals decisions and forty-six U.S. District Court cases.⁹⁵ It overturned the continuing censorship in Memphis and in the last two remaining states, Virginia, and Kansas.⁹⁶

Sadly, Ronald Freedman felt little sense of accomplishment for his troubles. Although he realized that the decision caused the other censoring states to disband their censor boards, he was frustrated with both Maryland's reaction and the lower courts' implementation. "We were disappointed because the Court did not abolish censorship," he said thirty-seven years later. "We were jubilant for a moment that the censors were gone, but the legislature was in session and they were back in business in four days."⁹⁷

What really disturbed Freedman was the lower courts' response.

"When you submitted films to the lower courts, they would invariably hold up the censor board. . . . The lower court judges were very fanatic. You just wasted your time in the lower courts. . . . The problem with the Supreme Court's decision was that they assumed that the lower courts would be as knowledgeable of the laws of obscenity as the Supreme Court was but they weren't. It was useless going to the lower courts. . . . *Freedman versus Maryland* turned out to be a waste of time."⁹⁸

Perhaps it seemed that way to Ronald Freedman later, but he should have remembered that his was the case that turned the tide on film censorship's acceptance by the courts. It took some time to filter down to the lower courts, and it was never used to overturn Maryland's censorship by the state's highest court. Eventually, though, the post-*Freedman* cases benefited from the Supreme Court's procedural requirements that had come from a case brought by a single exhibitor with the backing of a single independent film company and a small film society. Unfortunately, the cost was high and the Baltimore Film Society never recovered. It was bankrupt by the early 1970s. Freedman associated himself with another theater chain and continued showing movies and then taught film for a while at the University of Maryland. In his later years, he lived in a Maryland nursing home, still playing movies, and still fielding criticism from his neighbors. One day, he recounted to the *Baltimore City Paper*, while watching a movie in his room, the dialogue drifted into the hallway and he found himself accosted by an elderly woman demanding to know: "'How can you? How can you show such a film like that?'"⁹⁹

NOTES

1. Massachusetts also censored films between 1932 and 1954, but did not employ a censor board. Rather, Massachusetts authorized its public safety officials to approve or disapprove films to be shown on Sunday. See Richard S. Randall, *Censorship of the Movies: The Social and Political Control of a Mass Medium* (Madison: University of Wisconsin Press, 1968).
2. *Mutual Film v. Ohio*, 236 U.S. 230; 35 S. Ct. 387; 59 L. Ed. 552 (1915).
3. *Burstyn v. Wilson*, 343 U.S. 495; 72 S. Ct. 777 (1952).
4. The records of the Maryland censor board, particularly their minutes, reflect their consternation at Freedman's obstinacy and refusal to follow the rules. Maryland State Board of Censors, Department of Licensing and Regulation, box 11, Maryland State Archives [hereinafter MSBC Minutes]. Freedman also told the author that he frequently restored excised scenes from films before showing them in his theater. Board minutes from as early as 1962 indicate that they were aware that Freedman was doing this.
5. Charles Cohen, "Porn Free," *Baltimore City Paper Online*, October 11-17, 2000.
6. Telephone interview with Ronald Freedman by the author, September 11, 2002.
7. Edward de Grazia, and Roger K. Newman, *Banned Films: Movies, Censors and the First Amendment* (New York: R. R. Bowker and Company, 1982), 112.
8. Freedman, telephone interview.
9. *Ibid.*
10. *Freedman v. State*, 233 Md. 498; 197 A.2d 232 (1964) Md. Maryland Court of Appeals Briefs and Records Extracts.
11. *Freedman v. State*, 233 Md. 498; 197 A.2d 232 (1964).
12. *Gelling v. Texas*, 343 U.S. 960 (1952); *Superior Films v. Ohio*, 346 U.S. 587 (1954); *Holmby Productions v. Vaughn*, 350 U.S. 870 (1955); *Kingsley International Pictures v. New York*, 360 U.S. 684 (1959); *Times Film v. Chicago*, 365 U.S. 43 (1961).
13. Brief for Appellant, U.S. Supreme Court Records and Briefs, *Freedman v. Maryland*, 380 U.S. 51.
14. *Ibid.*
15. Brief for Respondent, U.S. Supreme Court Records and Briefs, *Freedman v. Maryland* 380 U.S. 51.
16. *The New York Times*, June 20, 1965, II, 1:8.
17. This came in the New York case of *The Miracle*, *Burstyn v. Wilson*, 343 U.S. 495; 72 S. Ct. 777 (1952).
18. Majority opinion, *Freedman v. Maryland*, 380 U.S. 51; 85 S. Ct. 734 (1965).
19. *Freedman v. Maryland*, 380 U.S. 51; 85 S. Ct. 734 (1965).
20. *Time Magazine*, March 12, 1965, p. 72; *Freedman v. Maryland*.
21. Ernest David Giglio, "Prior Restraint of Motion Pictures," *Dickinson Law Review*, 69 (1965):379-90.
22. *Baltimore Sun*, March 2, 1965, Maryland Department, Enoch Pratt Free Library, Baltimore. Finan had also used that term in his brief before the Supreme Court. "The present controversy is a fabrication . . . with which appellant hopes to destroy the criminal sanction of Maryland's motion picture censorship law. . . . This is the Armageddon of motion picture censorship . . . a Trojan Horse." Brief for Appellee, *Freedman v. Maryland*.
23. MSBC Minutes, March 4, 1965.
24. The statutes of these states and cities were specifically mentioned in the ACLU *amicus* as well as in Brennan's majority opinion. Virginia's prior restraint statute was under constitutional attack at the time.

25. Giglio, "Prior Restraint of Motion Pictures," 388-89.
26. John R. Verani, "Motion Picture Censorship and the Doctrine of Prior Restraint," *Houston Law Review*, 3 (1965): 40.
27. *Trans-Lux v. Regents*, 380 U.S. 259; 85 S. Ct. 952; 13 L. Ed. 2d 959 (1965). The Court returned the case to the state courts for "further proceedings not inconsistent with this ruling," according to the *New York Times*, June 11, 1965, page 33.
28. Verani, "Motion Picture Censorship and the Doctrine of Prior Restraint," 49.
29. Murray Schumach, "Film Censorship Shifted by State," *New York Times*, March 27, 1965, page 14.
30. *Matter of Trans-Lux Distributing Corp. v. Board of Regents*, 16 N.Y.2d 710 (1965).
31. Bosley Crowther, "Obscenity is a Dirty Word," *New York Times*, December 5, 1965.
32. David Farber, *The Age of Great Dreams: America in the 1960s* (New York: Hill and Wang, 1994), 65.
33. From *Trans-Lux v. Maryland State Board of Censors*, 240 Md. 98; 213 A.2d 235 (1965).
34. *Baltimore Sun*, March 3, 1965. The legislative haste stemmed from imperatives of the political calendar. The legislature was in the last days of its session. Had the state waited another day (or received word from the Supreme Court a week later), redrafting would have required a three-fifths vote of the legislature rather than a simple majority. That might have left the state with no censor board until at least the following legislative session.
35. *Baltimore Sun*, March 2, 1965.
36. Ibid., undated clipping, courtesy of Enoch Pratt Free Library files.
37. Telephone interview with Ronald Freedman.
38. *Baltimore Evening Sun*, no date, clipping courtesy of Enoch Pratt Free Library, Maryland Department. Although, we should keep in mind that this estimate was made for budgeting purposes and probably reflected more than they actually expected.
39. MSBC Minutes, March 10, 1965.
40. MSBC Minutes, March 19, 1965.
41. *Trans-Lux v. Regents* 380 U.S. 259; 85 S. Ct. 952; 13 L. Ed. 2d 959 (1965).
42. MSBC Minutes, May 3, 1965.
43. *Trans-Lux v. Maryland State Board of Censors*, 240 Md. 98; 213 A.2d 235 (1965).
44. MSBC Minutes, November 26 and December 1, 1969.
45. *Embassy Pictures v. Hudson*, 242 F. Supp. 975 (1965). The film involved was *Women of the World*.
46. Rudolph G. Hasl, "Constitutional Law — Procedural Safeguards Necessary for Valid Prior Restraint of Motion Pictures," *Saint Louis University Law Journal*, 10 (1965), 142-47.
47. The following list details only those cases that were appealed to the Maryland Court of Appeals. Other cases may have been filed with the Baltimore Circuit Court. *Trans-Lux Distributing Corp. v. Maryland State Board of Censors*, 240 Md. 98 found *A Stranger Knocks* not obscene within the Supreme Court's definition. *Dunn v. Maryland State Board of Censors*, 240 Md. 249; 213 A.2d 751 (1965); *Maryland State Board of Censors v. Marhenke*, 18 Md. App. 175; 305 A.2d 501 (1973); *Hewitt v. Maryland State Board of Censors*, 243 Md. 574; 221 A.2d 894 (1966); *Wagonheim v. Maryland State Board of Censors*, 255 Md. 297; 258 A.2d 240 (1969); and 255 Md. 297; 258 A.2d 240 (1969); *Leighton v. Maryland State Board of Censors*, 242 Md. 705; 218 A.2d 179 (1966); *Mangum v. Maryland State Board of Censors*, 273 Md. 176; 328 A.2d 283 (1974); *Grove Press v. Maryland*, 401 U.S. 480; 91 S. Ct. 966; 28 L. Ed. 2d 205 (1971).
48. Dawn B. Sova, *Forbidden Films: Censorship Histories of 125 Motion Pictures* (New York: Facts on File, 2001), 186-87.
49. *Dunn v. Maryland State Board of Censors*, 240 Md. 249; 213 A.2d 751 (1965).

50. Gary Morris, *Radley Metzger* [electronic journal] (1999 [cited October 24, 2004]), available from <http://www.brightlightsfilm.com/26/metzger2.html>.
51. *Leighton v. Maryland Board of Censors*, 242 Md. 705; 218 A.2d 179 (1966).
52. It later came out in the court records that these were not real censored scenes but were re-creations.
53. Even the Court of Appeals judges who later heard the appeal from this case seemed a bit surprised that the case wound up before a jury. See *Hewitt v. Maryland State Board of Censors*, 241 Md. 283; 216 A.2d 557 (1966).
54. *Ibid.*
55. In *Dunn v. Maryland State Board of Censors*, *Yudkin v. State*, *Trans-Lux v. Maryland State Board of Censors*, *Levine v. Moreland*, *Leighton v. Md. Censor Board*. The judges frequently referred to Frankfurter's statement in *Smith v. California* (1959) that "psychological or physiological consequences of questioned literature can as a matter of fact hardly be established except through experts."
56. *Hewitt v. Maryland State Board of Censors*, 243 Md. 574; 221 A.2d 894 (1966).
57. Crowther, "Obscenity is a Dirty Word."
58. As quoted by the *Baltimore News-American*, date unknown, Enoch Pratt Free Library, Maryland Department. The censors were attacked by some legislators well before 1968. Agnew tried to defund the board in 1967 (*Baltimore Sun*, February 25, 1971, C20) and left the board out of his budget in 1968 (*ibid.*, February 29, 1968, C8).
59. MSBC Minutes, April through October, 1965; Annual Report, 1965-66.
60. MSBC Minutes, August 10, 1965.
61. The February 10, 1967 case involved eight 16 mm. peep shows which the lower court had found to be hardcore pornography. The Court of Appeals agreed.
62. MSBC Minutes, June 30, 1967.
63. *Ibid.*, February 13, 1968.
64. *Baltimore Sun*, June 25, 1967.
65. *Ibid.*
66. As quoted by the *Baltimore Sun*, undated clipping, courtesy of Enoch Pratt Free Library. The clipping seems to be from late December 1968.
67. Pokorny quoted in *Baltimore Sun*, undated clipping from October 1968.
68. *Hewitt v. Maryland State Board of Censors*, 255 Md. 528; 258 A.2d 217 (1969).
69. Matt Langdon, "Review of I am Curious (Yellow)," *Filmcritic.org*.
70. Roger Ebert, *Chicago Sun-Times*, September 23, 1969. Available at <http://www.rogerebert.com/reviews/i-am-curious-yellow-1969>.
71. *Baltimore Sun*, July 9, 1969.
72. *Ibid.*
73. John Oakes, "Barney Rosset and the Art of Combat Publishing: An Interview," *The Review of Contemporary Fiction*, 10, no. 3 (1990).
74. Edward de Grazia, *Girls Lean Back Everywhere: The Law of Obscenity and the Assault on Genius* (New York: Random House, 1992), 368, 369.
75. de Grazia, *Banned Films*, 123.
76. *Baltimore Sun*, August 1, 1969.
77. *Baltimore Sun*, October 23, 1969.
78. *Baltimore Evening Sun*, November 1, 1969.
79. This is the phrase used to describe Marhenke in the official minutes, MSBC Minutes, March 4, 1965.
80. *Baltimore Sun*, November 11, 1970.

81. *Baltimore News-American*, November 12, 1970; *Baltimore Sun*, September 4, 1972.
82. de Grazia, *Banned Films*, 125.
83. The four cases were: *Modern Social Education v. Preller*, 353 F. Supp. 173 (1973); *Ebert v. Maryland State Board of Censors*, 19 Md. App. 300 (1973); *Sanza v. Maryland State Board of Censors*, 245 Md. 319 (1967); and *Star v. Preller*, 352 F. Supp. 530 (1972).
84. *Star v. Preller*, 352 F. Supp. 530 (1972).
85. *Preller v. Maryland State Board of Censors*, 419 U.S. 956; 95 S. Ct. 217; 42 L. Ed. 2d 173 (1974). The definition read "when considered as a whole, its calculated purpose or dominant effect is substantially to arouse sexual desires, and if the probability of this effect is so great as to outweigh whatever merits the film may possess." Article 66A, § 6b, Annotated Code, 1957.
86. *Baltimore Sun*, October 31, 1974.
87. *Baltimore Evening Sun*, May 25, 1974.
88. *Baltimore Sun*, June 25, 1974.
89. *Ibid.*, November 26, 1974. *Mangum v. Maryland State Board of Censors*, 273 Md. 176; 328 A.2d 283 (1974).
90. Barbara Scott, representing the MPAA, lobbied the legislature for repeal every year from 1968 through 1978. The board only ceased its censoring in 1981 when it fell victim to a sunset law. *Baltimore News-American*, July 1, 1981.
91. *Baltimore Sun*, April 5, 1976.
92. *Evening Sun*, February 24, 1977; *Baltimore Sun*, February 1, 1979; *Baltimore News-American*, December 5, 1978.
93. *Baltimore News-American*, June 26, 1981. Avara had been a guest with Merv Griffin, Mike Douglas, and Dick Cavett. To see some of her appearances, go to <http://www.mdhs.org/underbelly/2014/04/24/the-grandmother-who-fought-porn-mary-avara/>.
94. The cases are *Interstate Circuit v. Dallas*, 390 U.S. 676 (1968); *Vance v. Universal Amusement Co.*, 445 U.S. 308 (1980); *Teitel Film Corp. v. Cusack*, 390 U.S. 139 (1968); *Lee Art Theatre, Inc. v. Virginia*, 392 U.S. 636 (1968); *Paris Adult Theatre I v. Slaton*, 413 U.S. 49 (1973); *Heller v. New York*, 413 U.S. 483 (1973); *Byrne v. Karalexis*, 401 U.S. 216 (1972); *Southeastern Promotions, Ltd. v. Conrad*, 420 U.S. 546 (1974); *Star v. Preller*, 419 U.S. 956 (1974); *M.I.C., Ltd. v. Bedford Township*, 463 U.S. 1341 (1983).
95. *Lexis-Nexis Academic*.
96. *Embassy Pictures v. Hudson*, 242 F. Supp. 975 (1965); *State of Kansas ex religious. Londerholm v. Columbia Pictures*, 197 Kan. 448; 417 P.2d 255 (1966). The governor of Kansas issued a directive on August 1, 1960 for the board to stop censoring. Donald Gregory, "Cinema Censorship and Court Compliance: The Impact of *Freedman v. Maryland*," graduate student research paper, 1969. This paper was supplied to the author by Professor Stephen L. Wasby, University at Albany.
97. Freedman, telephone interview.
98. *Ibid.*
99. As quoted by Cohen, "Porn Free."

Research Notes & Maryland Miscellany

The Thousand Ridiculous and Romantic Misrepresentations: Severn Teackle Wallis's Anglo-Catholicism in Nineteenth-Century Spain

MILES SMITH

Before noted Maryland attorney and politician Severn Teackle Wallis's 1861 incarceration for pro-Confederate agitation, he was an influential politician and travel writer, who traveled to Spain in 1848 and 1852 and wrote two works on the Iberian kingdom, *Glimpses of Spain* in 1849 and *Spain: Her Institutions, Politics, and Public Men* in 1853. Wallis clearly thought himself a southerner, as evidenced by his association with the antebellum southern and subsequently Confederate literati. But while Americans of the nineteenth century typically regarded Europe from the standpoint of nationalists exulting in American exceptionalism and superiority, this particular Marylander argued something very different: Spain's Catholic culture and politics, far from being inferior to the United States, were equal if not greater in many ways.

This opinion stemmed in part from the fact that Wallis was a devout Episcopalian. Influenced by the growing Anglo-Catholic tradition in the Episcopal Church, Wallis rejected the aggressively Protestant disparagement of Spain as an oppressive monarchy. Whereas previous authors have focused on Wallis's infatuation with romanticism and de Tocqueville's *Democracy in America* as the primary intellectual conduits for his Hispanophilia, this article focuses on Wallis's religious identification as a likely source of his love of Spanish culture and Spaniards.¹

The importance of Wallis's writing lies in its opposition to the seemingly monolithic hyper-Protestantism of nineteenth-century Americans. The nation seemed invested in a Protestant millennial struggle against a supposedly unholy European

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political order. American Protestants believed that the United States would usher in Christ's temporal rule. Daniel Walker Howe, for one, declared that material improvements, extension of the franchise, and moral reforms "all provided encouraging signs that history was headed in the right direction." By implication Europe, and especially Catholic Europe, remained committed to history's wrongs. Increasingly, Americans embraced material progress, and modernity in general, to buttress the intellectual underpinnings of American nationalism. Those Protestants who feared modernity reconsidered their commitment to the entirety of American nationalist ideology and, subsequently, to Protestantism itself. Anti-modern Episcopalians like Wallis refocused their confessional identity on the Catholic instead of Protestant roots of the English Reformation.²



Severn Teackle Wallis (1816–1894). (Maryland Historical Society.)

Among many southerners, commitment to American ideals fostered an even more ferocious Protestantism. Historian Daniel Kilbride noted that Protestant Americans might look "upon Catholicism as anything else than a system at war with national ideas." Many Americans affirmed one traveler's belief that "popery must always go with monarchy and despotism." Henry Cheever, a Methodist minister, declared that there was "no neutral ground" between American-style republicanism and the Catholic Church, whose "principles were at war with republicanism & it must always be itself overthrown or rise upon the ruins of liberal institutions."³

Wallis diverged from other Episcopalians because he feared the consequences of American Protestant nationalism. Nineteenth-century Americans north and south conflated liberalism with Protestantism. Slaveholders increasingly justified their slave-supported society with the same Protestant nationalist rhetoric employed by northern anti-slavery advocates. Some, like John C. Calhoun, turned to a racially based Protestant progressivism that enabled southerners to claim an Aristotelian foundation of natural masters and natural slaves for the South. Wallis, though, flatly rejected Calhoun's—and northerners'—progressivism. The belief in human perfectibility, whether in a slave or free context, seemed to him destined to lead to radical abolitionism. In February 1861, he declared in the Maryland State House that "the people of the South will not—the people of Maryland never will—submit to have religion and morality manufactured for them by Massachusetts." Maryland, he hoped, would "never consent to accept Plymouth Rock as the touchstone of

right and truth." Wallis believed that American Protestantism ultimately embraced an easily weaponized progressive Puritan moral ideology. Increasingly, he came to view southerners as having more in common with Catholic Europeans than with northern Protestants.⁴

Far from separating southern Protestants from Catholics in their religious articulations, northern Protestants conflated the two groups. Theodore Parker, the influential American Unitarian minister, criticized white southerners for their stubborn opposition to Horace Mann's educational reforms and compared New Orleans to Naples. The shared backwardness of Catholics and southerners threatened the march of not just American nationalism but also human perfectibility. The Catholic Church, said Parker, opposed everything "which favors democracy and the rights of man." So too, thought many northerners, did the slave-holding South. To intellectuals like Parker and Timothy Dwight, another minister and a scholar, white southerners and American Catholics threatened the moral education and future of American society.⁵

Wallis' opposition to supposedly Puritan morality changed how he regarded Catholicism and Catholic society in 1850s Spain. Historians traditionally have affirmed a largely Protestant orientation in the South's cultural and religious thought, but some prominent southerners shared Wallis's Catholic sympathies. He and other Episcopalians such as South Carolina's Frederick A. Porcher, fellow Marylander John Pendleton Kennedy, and even northern Episcopalians like Sarah Hale, increasingly viewed American Protestant nationalism as the intellectual legacy of Roundhead Puritans. Each constructed intellectual narratives closely aligning Catholicism with Episcopalianism. In Hale's 1852 novel *Northwood*, a sympathetic Catholic character debates the merits of the Episcopal Church in a fictional South Carolina harboring a (fictional) Catholic aristocracy alongside their Episcopalian counterparts. Kennedy freely idolized Maryland's Catholic aristocracy. Porcher Episcopalianism ferociously questioned the worth of the Reformation.⁶

For Wallis and other Catholic sympathizers, their chief vehicle of intercourse remained the Episcopal Church. Far from being merely Episcopalian, Wallis embraced an epistemology that in latter days became a hallmark of Anglo-Catholics. Anglo-Catholicism differentiated itself from mere Episcopalianism through an embrace of Catholic epistemology; Anglo-Catholics rejected modernism in labor and social thought, affirmed sacramental religiosity, and argued against Protestant jingoistic nationalism. "Romanising" Episcopalians in the United States maintained vigorous correspondence with the leaders of the Tractarians or Oxford Movement. Led by John Henry Newman and Edward Pusey, the Tractarians argued for the reincorporation of Roman Catholic ritual into the Church of England, and they deeply impressed American Episcopalians of the period. During the American Revolution, High Church practice suffered from association with royalists and Tories, but by 1830, intellectually and religiously dissatisfied Episcopalians turned toward (and

sometimes to) Rome-influenced High Church practices.⁷ So many did so that in 1842 a Boston newspaper was moved to decry Episcopal churchmen, especially in the Mid-Atlantic states, who adopted Catholic "superstition." As a layperson, Wallis never identified with the ecclesiological debates over sacramentalism that typified the era, but he did affirm Anglo-Catholicism's intellectual drive to place the Episcopal Church in opposition to progressive Protestants. The rise of American Romanticism among southern literary figures also buttressed the influence of Anglo-Catholics. Wallis's own love of poetry and European literature reinforced a desire for a more sacramental worldview available in Anglo-Catholic circles. His travels in Spain led him to embrace Catholicism, and by proxy Spain as a plausible alternative to a Protestantism he increasingly feared.⁸

Wallis's biography reads like a typical chronicle of an upper-class white male from Maryland's landed aristocracy. Descended from Kent County gentry, Severn made his home in Baltimore his entire life. His father, Philip Wallis, married Elizabeth Custis Teackle in 1814. Severn, their second son, arrived two years later. The Wallis family lived across the street from Baltimore's Catholic Cathedral and the residence of Archbishop Ambrose Marechal on Charles Street. He imbibed the air of the Catholic community in Baltimore and understood that his ancestors fought for Charles I against the Calvinist Roundheads. Philip Wallis provided his son with a love of classical and sacred literature and an education. In Maryland, that meant Severn—despite being an Episcopalian—attended St. Mary's College, where he grew increasingly attached to Spanish literature. The tutor with whom he spent several hours daily, the Spaniard Don Jose Antonio Pizzaro, introduced him to works of Spanish history and literature. But the work that attracted Wallis's most enthusiastic and enduring fascination was the Vulgate translation of the Bible, an intellectual obsession of Wallis's for the rest of his life.⁹

Wallis's adolescence and early adulthood corresponded chronologically with the tenure of George Henry Calvert at the antebellum University of Baltimore. An influential purveyor of Romanticism in the United States, Calvert hailed from one of Maryland's oldest and most prestigious families. He sought education in British and German universities and corresponded with the most prominent Romantics of his day. Calvert socialized with Edward Pusey, a leading figure in the Tractarian movement. Maryland literary luminary John Pendleton Kennedy also exerted considerable influence in antebellum Baltimore. Both Calvert and Kennedy exemplified an intellectual milieu that showed marked receptiveness to European ideals. The influence of Catholicism and Romanticism understandably influenced elite educated whites such as Wallis.¹⁰

While practicing law in Baltimore, Wallis wrote occasional essays on history, literature, and philosophy. One such essay, *Leisure: Its Moral and Political Economy*, attacked capitalism and industrialism as organizing principles for society. He panned the "traditionary wisdom of 'Poor Richard's Almanac'—that precious volume of

uninspired proverbs—whence we learned in our maturer boyhood, that money-getting was a secular religion.” Wallis sneered at dogmas of the Protestant capitalist tradition such as “work while it is called to-day, for we know not how much we may be hindered to-morrow.” Antebellum labor thought, unquestionably and ostensibly inspired by seventeenth-century English Protestantism, claimed “that the great social end of man, and the only true policy of nations, is to produce as much as possible and consume as little—to get as much as we can for what we sell and pay as little as possible for what we buy.” Essentially, Wallis warned, the Protestant work ethic allowed Americans “to starve our neighbor, in other words, and eat his substance ourselves” without religious or social compunction. Americans, he lamented, cried “Glory to Adam Smith!” and lost “sight of the misery of mere men and women, in the progress and wealth of the nations.”¹¹

Clothed with considerable antipathy toward capitalist and Protestant social thought, Wallis arrived in a drastically changing Spain in 1847. King Ferdinand’s death in 1833 sparked the Carlist War (1833–1839), a massive dynastic conflict that ripped Spain in half. Prior to his death, Ferdinand changed the kingdom’s succession law. Formerly, Spanish monarchs acceded to the throne through Salic law, with succession passing only to males. Ferdinand’s change meant that his daughter, Princess Isabella, would now inherit her father’s throne. The king’s brother, Don Carlos, refused to accept the changes, and a war began that encompassed the entire kingdom. Ostensibly a dynastic war, it broadened into an ideological conflict. Liberals and constitutionalists supported Queen Isabella and the regent, her mother Queen Christina. Absolutists and conservative Catholics sided with Don Carlos. The war finally ended when Don Carlos’s supporters surrendered to General Espartero, commander of Isabella’s partisans.¹²

In 1839, Espartero deposed Queen Christina and became regent for the nine-year-old queen. This instituted a period of moderately liberal rule that lasted until 1843, when conservatives, led by General Narvaez, removed Espartero from the regency. The rest of the world watched Spanish politics with apprehension. Spain’s troubles once started a general war and could easily do so again. By 1845, Queen Isabella’s marital prospects remained a contentious issue and nearly caused a diplomatic break between Great Britain and France. Like Britons and Frenchmen, Americans watched developments in Spain. Spanish territorial possessions bordered the United States until 1821, and during the period between the War of 1812 and Spanish American independence, many southern Americans took an oath of allegiance to the Spanish sovereign in order to capitalize on commercial opportunities on the frontier between the United States and the Spanish Empire. Few Americans ever saw the kingdom of which they were now a part, and fewer still maintained a favorable impression of Spain.¹³

Wallis familiarized himself with contemporary Spanish culture, politics, and society, and used his friendship with Spaniards to further his command of the Spanish

language. "Thus made familiar with their language, and interested deeply in their national peculiarities and character, I had cultivated their literature in an humble way, as far as one might venture while following a profession which gives little of practical sympathy or toleration to any learning but its own." Wallis thus arrived in Spain with considerable expectations, but his preconceptions of Spanish political life were certainly negative. Military rule had taken its toll on Spain's reputation and its stability. American sympathy and avarice for Cuba also fed an American dislike of Spain. The American government held Spain in such low regard that it issued the Ostend Manifesto, declaring its intention to make Cuba part of the United States. Wallis, though, remained attached to the Catholic ideal of Spain, a nation he had believed to be a "fairy land" since his childhood. He admitted that he had a greater affinity for Spain than most of his countrymen. "Circumstances . . . had thrown me into association with Spaniards, more frequently than is usual with our countrymen, and some of my most cherished friendships had been formed among them." Wallis complained of "the thousand ridiculous and romantic misrepresentations, of which that country has been made the victim" by the Protestant Anglo-American press. "Foreign — especially English and American — opinion in regard to her customs and laws, her morals and religion, is so largely and erroneously founded."¹⁴

The "common impression, that Spain is what we are accustomed to call 'priest-ridden,'" particularly riled Wallis. He argued that impoverished Spaniards needed the presence of priests to keep them from degradation. "In the rural districts, among the more ignorant and uneducated of the people, the priesthood, no doubt, exercise that sort of influence with which superior intelligence and the nature of their calling must of necessity clothe them, — an influence certainly legitimate, and desirable unless abused." He directly lambasted the 1830 work of Alexander Sliddell Mackenzie, who painted Spain as a kingdom dominated by superstition and moral corruption—the work, MacKenzie said, of the powerful Catholic hierarchy in Spain. Wallis accused MacKenzie and others of disinformation. National opinion in the United States had been, he believed, "unduly darkened by prejudice and misinformation." Wallis rejected MacKenzie's ideas, and celebrated Spain's Catholic heritage. He arrived in Barcelona on Good Friday in 1847, and his journal entry for the day was mainly a lament at not seeing the "‘entierro de Cristo,’ a grand funeral procession by torchlight, which still forms a part, as we learned, of the Good-Friday ceremonial in Barcelona, though it has been abolished in almost all the rest of Spain."¹⁵

Americans, according to Wallis, so innately despised Catholics that they turned against even the obvious good and beauty of Catholic ceremonies like the one he experienced in Barcelona. Blinded by their bigotry, Americans were unable to appreciate Catholic arts, literature, and society. American "anti-Catholic feeling," lamented Wallis, "thus induces a disposition to resent, as too partial, the most moderately favorable view of Spanish ecclesiastical matters." Wallis admitted Catholic excess, but refused to grant a special amount of religious evil to Catholics as opposed to

Protestants. "Spain has long been considered and treated, by ultra-Protestant writers, as the reduction of the Roman Catholic Church to an absurdity."

Wallis stood on firm ground. The American press routinely published blatantly false stories of conspiracies and public mass murders perpetrated by the Spanish sovereign with the collusion of Catholic bishops; one such story had the king publicly shoving his ministers over a cliff to their deaths. Anti-Catholicism, said Wallis, "has thus shaped the observation of nine tenths of the travellers who have visited Spain from Protestant countries." He complained that "almost every one of them has contributed his statement of illustrative facts to the common stock." Although Wallis admitted that some men spoke legitimately of Spanish societal ills, others wrote "because such things make up a lively and picturesque book, — others because they have discovered that nothing sells so well as a little piquant uncharitableness." Wallis noted that so powerful was anti-Catholic sentiment in the United States that commercial anti-Catholic writers were "perfectly aware" of "the probabilities of the market."¹⁶

Wallis accused self-consciously Protestant writers of misrepresenting Spain. Governmental and social "errors and follies and abominations of the many despots who have reigned over her . . . have, in their turn, been set down to the influence of her clergy, and the pernicious doctrines they have taught." Wallis went beyond criticizing American Protestant exaggerations, and argued that the societal factors in Spain that Americans historically indicted—Catholic religious establishment, clerical authority, and monarchy—were actually a wise reliance on an established Catholic and monarchical order. Wallis thought that Spain's Catholics more often arrived at truth in political and religious decisions than did American Protestants. "In a country where there is no established religion," he observed, "where every denomination is under the severe and constant scrutiny of those who entertain antagonistic opinions — it may not always be easy to arrive, by confession, at the whole truth." Americans shied away from the truth because it was often "unpleasant," a consideration that never concerned Catholic hierarchies. Wallis believed American Protestant divisions crippled Christianity and morality and went so far as to imply that they might actually be sinister when compared to Spain's Catholicism. "There is a perverseness, sometimes, in sectarian animosity, which would find apples of discord in the very garden of Eden."¹⁷

Rejection of Protestant moral superiority placed him outside Protestant orthodoxy. Prominent Protestant divines denounced Catholicism as innately immoral. When famed revivalist cleric Alexander Campbell publicly debated the Bishop of Cincinnati, he spoke of the "immoral character" of Catholicism. The Roman church was full of "manifold corruptions and immoral tendencies." Wallis noted moral deficiencies common to human society in general but refused to acquaint immorality with Catholicism in any way. When he hired a coach for his party to leave a cathedral on Easter morning, he was forced to wait for almost an hour. "We made our bargain, and were cheated, of course, as we afterward found; horse and coach-

dealing being, here as elsewhere, greatly subversive of moral principle." But unlike most Americans who attributed thievery in southern Europe to Catholic cultural influence, Wallis believed that coach drivers were dishonest everywhere—human nature, not Catholicism, made coachmen subversive of moral principle. One story, circulated in American newspapers, stated that coach robberies were so common in Spain that thieves gave certificates to those robbed on multiple occasions. The ticket certified that the holder had indeed been robbed; and would not be a useful object of thievery. Because Catholic morality supposedly made Spaniards violent thieves, Wallis provided information in his travel books to assure Americans that they could indeed travel safely in Spain. Stories of highway robbery and brutal murder preceded Wallis's books, and he did his best to relay images of a pleasant and relatively safe journey across Spain.¹⁸

For all his amelioration of American concerns about travel in Iberia, Wallis indicted the monarchy for chronic bad governance. Upon visiting Seville, he noticed the palace of Ferdinand VII, who died just over a decade before Wallis toured Spain for the first time. He had grudgingly accepted a constitution, but repudiated it when he was sure that King Louis XVIII of France would support him. Subsequently, Ferdinand brutally suppressed a liberal rebellion and was loathed by liberals the world over. Wallis commented on the wisdom of his restoration in 1815. The king proved "rather a bad selection" and appeared to Wallis (and many Spaniards) to be the "most detestable" of Spain's Bourbon sovereigns. Wallis blamed Ferdinand's restoration not on conservative and Catholic Spain, but on "enlightened France, with the connivance of free Britain," who "determined to force him and his fourteenth century despotism, on a people struggling for liberty."¹⁹

Ferdinand's excesses never invalidated the past glories of the Spanish monarchy, at least for Wallis. His increasingly Catholic worldview allowed him to excuse Spanish monarchical excesses and denigrate supposedly modern American republicans. In 1863, Wallis mocked Salmon P. Chase's controversial but well-intentioned monetary reforms as secretary of the treasury. Ever mindful of the prominence of capitalism and Protestantism in American political thought, the anti-modernist Wallis sneered: "The greenback miracles of Mr. Chase have been made to overshadow the diminished glories of finance under Philip the Second." Wallis thought the ultramontane king's Catholic belligerence admirable. He scoffed at the greatness of the supposed "great popular hope, the United American Republic," which he said was merely a historical accident brought about by "the rupture of a Dutch alliance."²⁰

Wallis called the king "hideous Ferdinand" and compared him unfavorably to his namesake, Ferdinand the Catholic, as well as other great Spanish monarchs. The empire forged by Ferdinand and Isabella was now run by a "royal imbecile." Wallis believed that the age of the great European empires was closing. When he visited a cathedral that housed the fifteenth-century monarch's belongings, he composed an analogy that he believed represented the state of Spain in his own time. "In the

sacristy they showed me the sword of Ferdinand. The blade had been broken and ground down: how sad and true an emblem of his empire's progress!" The Spanish nation was hampered not by her people nor by a lack of material progress but by the considerable power of the aristocracy and the irreligious sovereign. Ferdinand's greatest sin, Wallis claimed, was not in his being a Catholic monarch but in not being Catholic enough. "Though he professed it sturdily," the king "went through its forms ostentatiously, and clung to it like a bad coward" when death terrified him. Ferdinand "practically valued" Catholicism "only as a lever of government."²¹

Although he was writing for an American audience, Wallis argued against antebellum American orthodoxy concerning capitalist, Protestant, and democratic superiority. He made it clear that he never regarded Spain's monarchy as an "unmixed evil" and proposed that Spain's government remained good because it proved the best government for Spain. "There are, no doubt," he wrote, "those by whom it will be held marvelous that a republican should entertain any question whatever" on the merits of monarchy. "But I think it the duty of every candid man . . . to set his face against the folly so prevalent with us, of striving to fit all the world with governments according to our own measure." Wallis urged Americans to feel grateful for their government, but he qualified that appreciation. Any American who "has not been able to rid himself of the superstition, that our system is the best for all nations, all times, all circumstances, and all stages of intelligence, merely because it happens so to be for us and ours" was obviously "very narrow, and his prejudices most absurd." Governments should be made with regard to "the actual necessities, the ingrained habits, sentiments, and traditions, the very prejudices and weaknesses, of the people whose welfare it concerns." Citing Edmund Burke to support his theory, Wallis scoffed at the notion that Americans were more enlightened and deserving of democratic republicanism than Spaniards. Americans seemed "to have a passion for making ourselves uncomfortable, under a constitution which ought to secure the peace and felicity of any people out of Bedlam."²²

Other authors joined Wallis and created a Catholicizing chorus of southerners in the 1850s. College of Charleston professor Frederick A. Porcher, "held to a high view of tradition, sacramentalism, and authority in his religious life because these things substantiated and reinforced the logic of order necessary for preserving the slave economy of the antebellum South." He damned George Bancroft's *History of the United States* in print and generally reprovved the age's democratizing tendencies. In his 1852 essay "False Views of History," Porcher, like Wallis, expressed explicit and enthusiastic sympathy for Spain's Catholic monarchs, in Porcher's case Philip II. He based his work on the scholarship of an ultramontane Spanish priest, Fr. Jaymes Balmes, an act of seemingly unconscionable intellectual heresy in the hyper-Republican and ultra-Protestant intellectual world of nineteenth-century Americans. Porcher hardly suffered for his views. He enjoyed membership in Charleston's most exclusive social clubs and maintained a high social profile among South Carolina's

Low Country elite. Two years after the publication of "False Views of History" in the *Southern Quarterly Review*, Virginia planter George Fitzhugh penned *Sociology for the South*. As an Episcopalian Fitzhugh prized belonging to a church that ostensibly antedated the Reformation. This allowed him to articulate the best-known Anglo-Catholic attacks on free society, which he identified with social and religious revolt. Since the Reformation, said Fitzhugh, "the world has as regularly been retrograding in whatever belongs to the departments of genius, taste and art."²³

Anglo-Catholic southerners undoubtedly used their religious articulations to defend slavery, but despite sharing polemical objectives with pro-slavery Calvinist, evangelical, and liberal Protestant southerners, Wallis and southern Anglo-Catholics saw Catholicism as a better foundation for society, slave or free, than Protestantism. Writing a review of an essay on Maryland's history, Wallis offered Catholic Maryland as a social ideal. Quoting an older history, Wallis argued that "the Catholic planters of Maryland procured to their adopted country the distinguished praise of being the first of the American States in which toleration was established by law." Puritans, in contrast, ominously persecuted their "Protestant brethren in New England, and the Episcopalians retorting the same severity on the Puritans in Virginia." Maryland's Catholic planters, however, "against whom the others were combined, formed in Maryland a sanctuary where all might worship and none might oppress, and where even Protestants sought refuge from Protestant intolerance." Whether Spain or Maryland, Wallis saw Catholicism as the guarantor of a transcendently ordered society.²⁴

NOTES

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Bethlehem Steel and the Tokyo Railway

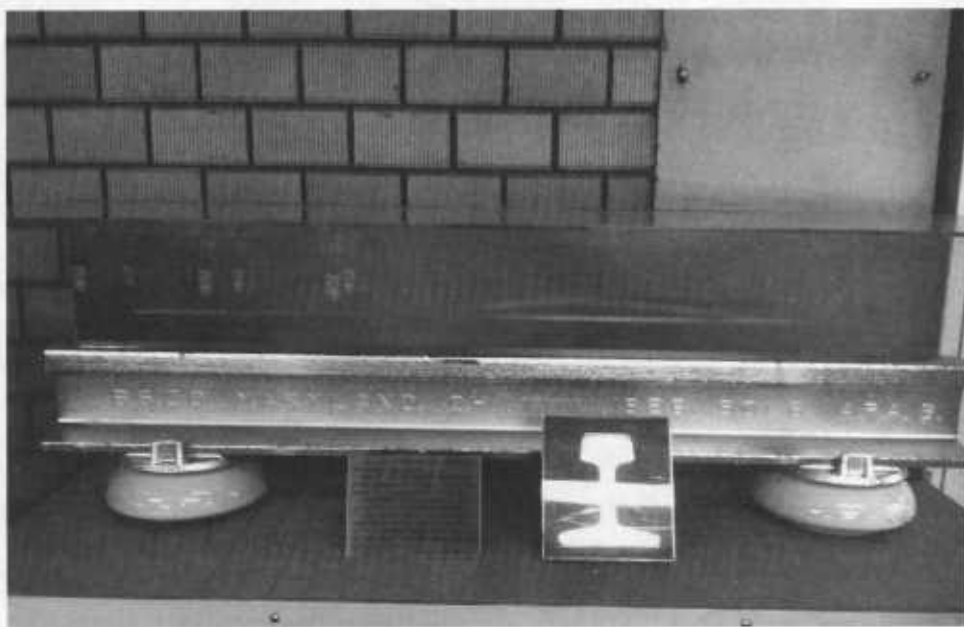
EDWARD R. LANDA

A chance encounter with an exhibit case on a transfer passageway at the busy Ueno subway station on the Ginza Line in Tokyo recently proved to be of interest to MdHS member Edward Landa. The bright silver rail on display prominently showed the word *MARYLAND* and the date 1926. The inscription on the accompanying plaque describing the steel rail (subsequently translated by family friend and civil engineer Michiko Yamaguchi of New London, New Hampshire), apparently prepared for the display circa 1983, notes in part:

The rail was installed for Ginza Line, between Ueno and Asakusa in 1927 as part of Ueno Station 50th anniversary project, and was used for the third rail for power transmission till today for 56 years. The exhibit was taken from the worn out section as well as a rail slice on the right. The rail was manufactured by Bethlehem Steel in 1926. It is made of 45 kg/m, 99% iron, highly pure product.

The Ginza Line, built by the Tokyo Underground Railway, a private enterprise founded by Noritsugu Hayakawa, is the oldest subway line in Tokyo and indeed, all of Asia.

The rail markings were done at the American production mill. The B.S. CO.





marking is for the Bethlehem Steel Corporation and *MARYLAND* would seem to indicate that the rail was produced at its Sparrow Point mill at Dundalk, Maryland. The *90LB A.R.A* marking reflects “rail profile,” i.e., the weight of rail per unit of length; in this case ninety pounds per yard (or in metric units, 44.6 kilograms per meter), a rail profile class designated by the American Railway Association (ARA); the higher the number, the heavier the load-bearing capacity of the rail. The ARA 90 lb/yd-profile was commonly recommended in this era by the American Railway Engineering Association (https://en.wikipedia.org/wiki/Rail_profile). Per Landa’s colleague, health physicist / civil engineer (and electric railway enthusiast) Joel Lubenau of Lititz, Pennsylvania, the vertical hash marks are the month of the year in which the rail was rolled—in this case, the eleven hashes indicate November 1926. ARA B specifies the ARA type/cross-sectional dimensions (see http://www.unitracrail.com/pdfs2013/Track_Components_Section.pdf), and *O. H.* likely stands for “open hearth” furnace.

The use of steel from Sparrows Point in the Tokyo subway in the 1920s represents but one small example of the impact over many decades of this giant industrial enterprise in Baltimore. At one point employing more than thirty thousand workers, its steel went into the Empire State Building, and Chesapeake Bay and Golden Gate Bridges (<http://millstories.umbc.edu/sparrows-point/>). Landa, a soil scientist and adjunct professor in the Department of Environmental Science and Technology at the University of Maryland–College Park, plans to use this Baltimore-to-Tokyo example in the course “Sustainability and History: The Maryland Experience” that he co-teaches with historian of technology Robert Friedel.

Book Reviews

Papist Devils: Catholics in British America, 1574–1783. By Robert Emmett Curran. (Washington, D.C.: The Catholic University of America Press, 2014. 331 pp. Illustrations, bibliography, notes, index. Paper, \$29.95; ebook, \$29.95.)

An irrational fear of Catholicism gripped Protestants on both sides of the Atlantic during the seventeenth and eighteenth centuries, a fear that manifested itself through virulent strains of Protestant anti-Catholic sentiment, shaped political policy, and dictated basic societal attitudes about the “other” across British North America. This colossal transatlantic clash is the subject of Robert E. Curran’s sweeping, multifaceted analysis of Catholicism’s fledgling rise to prominence during a formative era. Curran provides geographic and historic context as he takes readers from England and Ireland to Maryland, New York, Barbados, Montserrat, and southeastern Pennsylvania. In each locale, Catholics battled for legitimacy against an intolerant Protestant majority.

Curran begins this well-written narrative in 1574 with the arrival of the first missionary priest in England, tying that historic event to the larger English Reformation in the sixteenth and early seventeenth centuries. The “father” of colonial American Catholicism was George Calvert. Named by King James in 1619 as one of his principal secretaries of state, Calvert was a year later elected to the House of Commons and given the Irish title of Lord Baltimore. A year before he died, the Privy Council approved a charter for Calvert’s *Terra Mariae*, named in honor of King Charles’ wife, Queen Henrietta Maria. Calvert’s son, Cecil, took the reins of power in 1632 and developed the colony of Maryland in the land between Delaware Bay and the Potomac River. The younger Calvert wasted no time in giving sprawling twelve-thousand-acre parcels of the finest land to his most loyal Catholic gentry. Curran asserts that Calvert’s dream of establishing a “neo-feudal society of manorial fiefdoms” came closest to being realized in the early 1640s, when the percentage of Catholics reached approximately 25 percent of the four hundred people residing in the colony. Since English law forbade Roman Catholicism to ever be the established religion in Maryland, Calvert adopted a comprehensive policy that separated church and state. This separation presented unique challenges, since religion was intertwined so closely with overall societal existence. This ideological segregation was enforced quite consistently in Maryland’s early decades; archival records show instances in which Catholic landowners were forced to allow complete access to Protestant books for their non-Catholic servants.

English Jesuits were attracted to Maryland primarily to teach and convert the native population. They were invited to Maryland by Calvert, but were forced into

the role of "clerical planter," required to contribute their share to the colony's ever increasing agricultural need. In the years after the Restoration, growing numbers of Maryland Protestants viewed Calvert's rule as arbitrary and biased (toward both Catholics *and* Quakers). Protestant revolutionaries like John Coode and Josiah Fendall stirred revolutionary anti-Catholic paranoia in the years leading up to the Glorious Revolution, but Charles Calvert was able to maintain his tenuous grip of power in what was now the royal colony of Maryland. Wealthy scions like Charles Carroll and Richard Bennett wielded an unusual degree of economic power in the first half of the eighteenth century, but were barred from holding office, voting, and serving on juries. The paradox of this situation is brutally clear—generations of influential Catholic planters possessing almost unlimited economic resources were essentially "political outcasts" and victims of the tyrannical penal laws that oppressed all levels of Catholic society (155). Conditions did not improve in the eighteenth century. American colonies were animated by ubiquitous fears of perfidious French Catholics lurking around every corner during the French and Indian War (1754–1763). There was also widespread Protestant outrage when the Quebec Act was passed in 1774. Events like these prompted some of the most virulent waves of discrimination ever endured by Catholics.

Perhaps the strongest point of this book is the comprehensive scope that Curran brings to this work. His broadly inclusive investigation supplies the reader with valuable contextual markers that enable a deeper comprehension of the blatant discrimination experienced by the poor Irish immigrant, the disdainful political affronts tolerated by the Catholic gentry, and the scornful glances endured by the Jesuit priest in the marketplace. He probes difficult personalities, sheds light on the complexities of religious toleration, and explains how Catholic families navigated complicated life events. When, for instance, wealthy Catholic parents sought suitable educational opportunities for their children, they had virtually no choice but to send them to continental Europe. In many cases, young men attended St. Omers in Spanish Flanders, while young women joined the Carmelites or Benedictines to further their education. One of Curran's most noteworthy achievements is his ability to "layer" seemingly unrelated facets of colonial Catholicism in ways that illuminate basic truths about provincial Catholic life. For instance, he deftly links Chesapeake geography, seasonal economic forces, and social behavior to explain the rationale behind the timing of marriage arrangements in colonial Maryland. Marriages were planned around yearly tobacco or grain agricultural cycles which were, in turn, dependent on whether one lived in southern Maryland or the Eastern Shore. The more demanding labor needed for tobacco planting and harvesting in southern Maryland limited social events like weddings to smaller windows of discretionary time than did the less demanding grain harvests on the Eastern Shore (181). This book will be of particular interest to students of colonial religious and social history, but anyone

seeking to better understand the intricacies of human behavioral history will also find great value in Curran's masterful narrative.

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George Plater of Sotterley. By David G. Brown. (Baltimore, Md.: Chesapeake Book Company, 2014. Pp. xiv, 194. Portraits, photographs, Calendar of Correspondence, Notes on Portraits, references, index. Paper, \$17.00.)

In *George Plater of Sotterley*, David G. Brown tells the story of an overlooked American who can be viewed as one of Maryland's founding fathers. Plater's adult life spanned the years of the American Revolution and early republic, and he participated in many key events of those tumultuous years. That his story has not been told more fully before owes to both the nature of his leadership and to the challenges of the records he left behind. David Brown's ongoing fascination with Sotterley plantation and George Plater helps bring this story into the light.

George Plater was born into Maryland's gentry class in 1735. His father amassed his fortune as most Maryland's leaders had, by acquiring large plots of land on which he produced tobacco using slave labor. At the age of nineteen, at the start of the French and Indian War, George Plater inherited these extensive holdings, totaling more than 14,000 acres of land in nine counties. Despite these widespread holdings, Plater made Sotterley plantation, perched on a hill overlooking the Patuxent River in St. Mary's County, his home.

Plater's formal education at the College of William and Mary, rather than in England, reflects the colonial elite's eighteenth-century transition to attending homegrown institutions. Plater's position in society, while predicated on his father's success, followed the natural course for the time. He married well, losing his first wife, Hannah Lee, after only ten months, followed by what appears to have been a full and happy twenty-five year marriage to Elizabeth Rousby. Both of his wives expanded Plater's ties to the Maryland elite, to families such as the Lloyds, Dulanys, Fitzhughs, and Carrolls. His early career, representing St. Mary's county in the Maryland's Lower House and sitting on the St. Andrews Parish vestry, was characteristic of young colonial gentleman. He approached this service as both an opportunity and a responsibility, firmly believing that he was working for the greater good, while also securing his own position. He rose through the ranks from the Lower House beginning in 1757, to Naval Officer of the Patuxent in 1767, and to the Governor's Council under Robert Eden and the Upper House of the colonial Maryland Assembly in 1761. Throughout he supported the interests of the Proprietor.

Brown carefully charts Plater's transition from loyal British subject to American patriot. He was a cautious patriot who, while firmly committed to conservative political beliefs, embraced his responsibility to serve as a leader in the young republic.

Despite being elected to attend the Maryland extralegal convention in September of 1775, he did not openly avow his support of his new "country" until February 1776. Once committed, though, he worked hard to support the revolution. He served in Maryland's Seventh Convention, carefully negotiating the exit of the British governor, Robert Eden. Plater served on Maryland's Constitutional Convention in 1776 and was elected to Maryland's Council of Safety in 1777. In the same year, Plater was elected to Maryland's senate and remained a senator until 1790. He was consistently chosen as senate president by his peers, and was also elected to attend the Constitutional Convention in 1787. In 1791, Plater was unanimously elected governor of Maryland by the General Assembly's seventy-six delegates and fifteen senators. Sadly, his tenure as governor was brief; he died on February 10, 1792, after barely two months in office.

George Plater played an important role in negotiating critical issues the young nation faced through the years of war and the early republic. He worked with George Washington to establish interstate commerce agreements along the Potomac. He stood firmly on the question of whether western lands should belong to the new states or the federal government, seeing them as essential to the future financial stability of the federal republic. His fiscal conservatism put him in the camp of those who preferred payment of debt in specie, rather than in potentially deflationary currency. He helped to lead the debate over the ratification of the Articles of Confederation, but he also strongly supported its rewriting at the Constitutional Convention. Once written, he worked with the Federalist camp to make sure the Constitution, with its more powerful federal government, was ratified in Maryland.

Why should a man who was so central to so many critical moments in Maryland and the young United States' history be relatively unknown? One major reason is that George Plater was, above all, a highly practical man who preferred to work quietly behind the scenes to build consensus rather than stand at the forefront making speeches or creating controversy. One of the greatest challenges David Brown faced in crafting this narrative was that Plater left relatively few official statements concerning his politics. This study is based primarily on the surviving official political documents from Maryland, the Continental Congress, and the Constitutional Convention. It also relies heavily on George Plater's own papers, the vast majority of which are letters to his friend Gouverneur Morris. These sources offer few intellectual or ideological statements but they do show that George Plater epitomized the concept that the financial elite had a moral responsibility to lead the young nation, and he committed himself to doing so.

ALEXA SILVER
Delaware State University

Privateers of the Americas: Spanish American Privateering from the United States in the Early Republic. By David Head. (Athens: University of Georgia Press, 2015. 224 pp. Illustrations, tables, maps and notes. Cloth, \$64.95; paper, \$24.95; ebook \$24.95.)

In this most recent addition to the *Early American Places* series from University of Georgia Press, David Head offers a comprehensive examination of privateering during the South American wars for independence. Drawing on logbooks, civil, criminal, and Admiralty court records, press reporting, and many other sources, Head describes the rationale, practice, and impact of privateering activity that originated in U.S. ports on behalf of the emerging governments of Venezuela, Colombia, Argentina, Uruguay, and Mexico between 1815 and 1824.

Spurred by Napoleon's usurpation of the Bourbon monarchy in Spain in 1808, and turmoil within the local administrations, insurgents in the colonies of Central and South America fought to free themselves from Spanish rule. As early as 1815, agents arrived in the United States offering commissions to American citizens as privateers against Spanish commerce. Based on successful experiences during the War of 1812, over one hundred privateers were commissioned, outfitted in American ports, manned by American sailors, and put into service for foreign governments.

Although the United States maintained official neutrality in the disputes between the Spanish monarchy and its rebellious colonies, popular sentiment supported the South American independence movement. Sympathetic private citizens supplied arms and supplies for the revolutionaries, but, more significantly, owners and captains of fast vessels, with experience gained in the War of 1812, accepted privateer commissions from the insurgent governments. Ranging across the Gulf of Mexico, the Caribbean, and the Atlantic approaches to Europe, privateers like James Chaytor and John D. Danels of Baltimore, the Laffite brothers (Jean and Pierre) of New Orleans, and Louis-Michel Aury of Galveston seized Spanish vessels and valuable cargoes and sent them surreptitiously to American ports for disposal and sale. Despite protests by private citizens and the Spanish government, federal attempts to restrict this activity were largely unsuccessful.

In all, over one hundred American vessels were engaged in South American privateering. Sailing primarily from the ports of Baltimore, New Orleans, Galveston and Amelia Island, they captured hundreds of Spanish (and some Portuguese) vessels worth millions of dollars. Valuable commodities including gold, silver, rum, sugar, dry goods, produce, and slaves worth tens of millions in modern dollars were seized as prize goods. In many cases, the actions of the owners and captains of American privateers stretched the bounds of acceptable practice for legally commissioned vessels. Reregistering American ships under foreign flags, frequently renaming vessels, deceiving crews hiring on for legitimate voyages, and in some cases resorting to strong-arm techniques more typical of true pirates led to civil and criminal charges against the privateers. Individual merchants and supercargoes likewise stretched

the rules, re-routing cargoes through neutral ports, falsifying shipping records, and even repackaging cargoes to deceive customs agents and avoid the Admiralty court process. These acts increased diplomatic tensions at a period when the United States was engaged in delicate diplomatic relations with Spain, building relations with other European powers, and striving for recognition in the aftermath of the Napoleonic era and the War of 1812. As a result of this activity, hundreds of civil and criminal cases on behalf of foreign and domestic parties flooded the U.S. courts, and some individual cases would not be resolved until shortly before the Civil War.

Well written and thoroughly researched, *Privateers of the Americas* represents an important addition to the history of privateering in the nineteenth century. Amid the wealth of writing on privateers of the War of 1812, only a few references are made to the postwar activities of Americans engaged on behalf of the South American governments. A number of previous articles by this author and others deal with South American privateering, but this volume presents a more complete view of the activities, personalities, and rationale behind the American involvement. Drawing on voluminous records from the Admiralty, criminal and civil cases, ships' logs and records of U.S., Spanish and Spanish-American governments, Head provides a comprehensive framework for examining American privateering during the period, describes what led American investors, captains, and sailors to engage in the practice, clarifies its role in the Latin American independence movements and its impact on international relations for the United States. As Head indicates in his concluding chapter, by the mid-1820s privateering was increasingly viewed as an anachronism, and international acceptance of the practice was on the wane. In treaty negotiations following the Crimean War, the major European powers signed the "Declaration of Paris" in 1856, which effectively outlawed the practice on an international basis. The United States accepted the agreement in 1857, and other than the few commissions issued by the Confederate government during the Civil War, the practice of privateering faded into history. The South American privateering of 1815–1824, as described and explored in *Privateers of the Americas*, may be regarded as the last significant use of the practice world-wide.

DAVID McDONALD

Maryland Historical Society

The British Gentry, the Southern Planter, and the Northern Family Farm: Agriculture and Sectional Antagonism in North America. By James L. Huston. (Baton Rouge: Louisiana State University Press, 2015. 363 pages. Tables, bibliography, notes, index. Cloth, \$47.50.)

James L. Huston, a historian at Oklahoma State University, has written an original, provocative book. His thesis argues that the differences between northern and southern agriculture, in scale and labor, played an important role in foment-

ing sectionalism and the Civil War. This thesis and the evidence for it unfold over three sections. The first focuses on agriculture and free labor in England and Britain between roughly 1300 and 1870. This duration is long and Huston does well in knitting it together in a comprehensible framework. The second concentrates on the agricultural systems in British North America and the United States, taking account of both the northern yeoman farm and the southern plantation. The third reaches a crescendo with the author portraying the Civil War as a conflict between free labor agriculture in the North and slave plantation labor in the South. In the virtual omission of northern industry from this section, the author has overturned, or at least challenged, decades of research about the Civil War. In Huston's estimation, the Civil War was a conflict over land and labor with the North favoring small units for the yeoman and the South enormous farms that made horrible demands on overburdened, underfed slaves. This is not to say that northern industry played no role in sectional strife and the Civil War, only that it is time to see these issues from a larger perspective, one that incorporates the rural heritage that was important to both sections. Indeed Huston is quick to note that on the eve of the Civil War most Americans, irrespective of geography, lived in the countryside. The Civil War erupted in an essentially rural nation.

One of the author's notable insights is to reinterpret the role of the Republican Party as not being the sycophant of big business. That time would come with President William McKinley and his successors. Rather, the Republican Party of the Civil War was the party of the countryside, the yeoman farmer, and rural virtues. Though Huston does not say so, that is an essentially Roman way of envisioning agriculture. What emerges from this study, then, is not an industry-first manifesto but a balanced account of the causes of sectionalism and the Civil War.

The interplay between northern farm and southern plantation yields contrasts. One envisions the northern family farm as egalitarian, perhaps too egalitarian for women, who not only had domestic duties that seemed never to end but, particularly where labor and machinery were scarce, worked in the fields, particularly at harvest. On a grain farm, the wife, and likely her sons and daughters, cut grain with a cradle. Because the cradle holds the straw from each cut until deposition in neat rows, it is heavy and requires arduous effort. This level of detail escapes Huston. In contrast, one envisions the southern plantation as a harsh hierarchy of master and slave, the kind of dichotomy that lends itself to Marxian analysis.

There is much to gain from Huston's analysis, not the least of which is that it forces the reader to grapple with new realities and make new connections between events. For example, it is possible, from the author's vantage point, as implied earlier, to see the Homestead Act, enacted during the Civil War, as part of a northern Republican agenda, both for favoring agricultural development and for promoting small units of land that were the basis of northern agriculture, or at least what one's nostalgia revealed about northern agriculture. Quickly the Morrill Act and the creation of

the U.S. Department of Agriculture, again wartime measures in 1862, promoted northern agriculture, though after the Civil War these provisions would extend to the South. In fact, with its headquarters in Washington, D.C., the USDA is at least in part a southern institution.

The focus on the yeoman North and plantation South may be a bit too stark. The North, or at least the West, had large farms on the eve of the Civil War. Wheat farms in the West gobbled up hundreds of acres. What appears to have made them different from southern plantations was that these wheat farms employed machinery whenever possible and affordable to reduce the need for manual labor. The renowned mechanical reaper, apparently invented independently by two men in the 1830s, served to cut small grains like wheat. Although these reapers were not without problems, they were a feature in the West before the Civil War. Moreover, the Midwest had sizable corn and hog enterprises. The North was not simply an aggregate of small farms.

In turn the South had small farms, a point Huston acknowledges. In fact, in some circumstances the plantation system left room for the small farmer. Tobacco is a good example. The crop may be grown in large or small units, and there were plenty of small tobacco growers who did not rely on slavery in antebellum Maryland and Virginia. Although the author does not concentrate on Maryland, the inclusion of tobacco as a plantation and smallholder crop would have allowed such coverage to the benefit of students of Maryland history. Huston's account is nonetheless valuable for students of southern history, northern history, rural and agricultural history, and the history of the Civil War. This diversity is a fine achievement for a single book.

CHRISTOPHER CUMO
Independent Scholar

I Am Busy Drawing Pictures: The Civil War Art and Letters of Private John Jacob Omenhausser, CSA. By Ross M. Kimmel and Michael P. Musick. (Annapolis, Md.: Friends of the Maryland State Archives, 2014. 177 pages. Illustrations, bibliography, notes, index. Paper, \$45.00.)

Though a slim volume, this well-crafted book delivers an exceptional story through the letters and artwork of John Jacob Omenhausser. The foreword, written by eminent Civil War historian Gary W. Gallagher, introduces readers to Private Omenhausser in the larger context of the war: "Omenhausser distinguished himself neither as a soldier nor as an artist during the Civil War, yet he bequeathed a most valuable body of material" (vii). Comparatively, a small body of other soldier-artists exist, and although Omenhausser may not have been the most talented or the only one working through the lens of a prisoner (see for example, Robert Knox Sneden's depictions at Andersonville), Omenhausser is by far the most extensive and detailed in revealing the dynamics of Civil War captivity.

Ross M. Kimmel and Michael P. Musick painstakingly assembled the disjointed letters and renderings of their subject to create a narrative from his pre-captivity to prison communiqués and artwork. The authors persuasively argue that the private "may be the most prolific of Civil War folk artists" and their purpose is to bring readers a publication that can "marry the art to the artist." Omenhausser's correspondence and other documents, including several of his wartime renderings in the possession of his descendants, are published here for the first time.

Omenhausser enlisted in Richmond's 46th Virginia "Light Infantry Blues" and later served in Henry A. Wise's brigade. His service took him to western Virginia and North Carolina, but time spent at Virginia's Camp Worrone illustrates where he began to express his watercolor talents, including scenes of camp life. His letters from Virginia and South Carolina also convey the drudgeries of soldiering, as well as serving as a courier, constructing breastworks, and performing picket duty on the Peninsula in early 1863. A gem in the collection is the correspondence between the young Virginia private and his "sweetheart" back home, Ann Virginia Howle, when he asked for her hand in marriage but received no response. A nervous Omenhausser waited, as the mail was interrupted by troop movements, until he finally received word that she accepted. A May 29, 1864 letter verified the union, but it would be the last letter he wrote from the field. In mid-June, around the fortifications of Petersburg, the "Blues" were overcome by the Federals and suffered high losses, including Omenhausser, who was captured. He wrote Ann that he had been captured by African American troops and did not expect his life to be spared, but to his surprise he was treated properly and soon would be en route to Point Lookout Prison in Maryland.

Artist Omenhausser, who focused on daily camp life rather than battle scenes before his imprisonment, tirelessly depicted prison life. About 90 percent of his efforts originated at Point Lookout. Limited by regulations to writing and receiving letters of just one page, the artist plied his craft in captivity, selling his drawings in order to survive. He entered an overcrowded stockade with more than 15,000 prisoners and kept himself, as he worded it, "busy drawing pictures" (37). Kimmel and Musick point out that "While Omenhausser's letters from Point Lookout are not all informative about his life as a prisoner of war, the 278 known pictures he drew at the Point provide a wealth of visual information about nearly every aspect of prison life. . . . Omenhausser's Point Lookout art is a comprehensive visual diary of life both inside and outside the prison" (39).

These important visual primary sources include renderings of the prison economy, from guards buying trinkets the captives created, such as fans, chains, and rings, and reselling them on the outside, to the economy on the inside. Inmates sold newspapers to read, traded rats to eat, brewed beer to drink, and made clothes to wear. Tobacco and hardtack were the currency. Since Omenhausser supplemented his prison fare by selling his artwork, pencils, ink, watercolors, and paper in order

to sketch were his order of business. Important social and racial illustrations are detailed, as African American guards watched over the southerners. Fighting, crime, punishment, diet (including fishing, crabbing, beer brewing, and bread-making), hygiene, and the many scenes from the "Bay" are all highlighted by Omenhausser and elaborated upon by Kimmel and Musick.

This work is invaluable for Civil War prison specialists and generalists alike. Historians are being more inclusive with their sources, and the authors guide the reader with excellent commentary as Omenhausser depicts his captivity, while also sprinkling in humor. Prior to this book, Omenhausser's Point Lookout renderings were scattered in albums, sketchbooks, and individual drawings. They were housed in private collections and public institutions, including the New York Historical Society, the American Folk Art Museum, the Maryland Historical Society and the Maryland State Archives, the University of Maryland, Pennsylvania's Allegheny College, the Chicago Historical Society, the Museum of the Confederacy, and the Virginia Historical Society. Kimmel and Musick are to be commended for assembling into one volume such priceless pieces of our Civil War past.

MICHAEL P. GRAY

East Stroudsburg University of Pennsylvania

Freedom's Witness: The Civil War Correspondence of Henry McNeal Turner. Edited by Jean Lee Cole. Foreword by Aaron Sheehan-Dean. (Morgantown: West Virginia University Press, 2013. 284 pages. Illustrations, notes. Paper, \$22.98.)

Henry McNeal Turner was a witness to history. Turner, a free African American, lived with his impoverished family in South Carolina until his life dramatically changed and took him to places and achievements that few of his background could ever imagine. A self-educated and self-made man, Turner was first and foremost a clergyman, a preacher of the Gospel, a missionary, and a bishop in the African Methodist Episcopal Church. He was also an author, journalist, public speaker, and politician who understood that the African American narrative was about freedom and equality. For him, like so many nineteenth-century African American leaders, the most perplexing and challenging question was whether freedom and equality could be realized in a land of racial oppression. A critical moment in that question was the American Civil War which Turner observed, participated in, and recorded.

Jean Lee Cook, an associate professor of English at Loyola University Maryland in Baltimore, has smartly edited some of Turner's letters to the editor of *The Christian Recorder*, a publication of the AME Church. The correspondence described and captured in vivid detail some of Turner's work as the chaplain of the 1st Regiment U.S. Colored Troops during the Civil War. A brief, analytic introduction sets the context for each of the five chapter's correspondence. Chapter One is the longest and most detailed. "Emancipation and Enlistment" conveyed not only Turner's enthusiasm

for Lincoln's Emancipation Proclamation but his arduous commitment in recruiting African Americans to enlist in the fight for their freedom. The Siege of Petersburg, Virginia, is the setting of the second chapter's correspondence. As a minister of the Gospel, Turner drew attention to the fact that war was a violent affair with dire human consequences. In the third chapter, Turner reported on the struggle and the ensuing two battles to capture Fort Fisher, a Confederate stronghold near Wilmington, North Carolina. African American soldiers played an essential role in bringing to an end the fort's protection of southern supply lines and access to international trade. Turner not only served the practical needs of the African American soldiers, but also their spiritual needs. His racial pride is evident in Chapter Four. He was proud of the conduct of the 1st Regiment U.S. Colored Troops when it joined forces with Sherman's army in North Carolina. In the concluding chapter, "Roanoke Island," Turner wrote poignantly about the difficulties former slaves encountered as they sought new lives on Roanoke Island, an experimental colony for freedmen. Although they were skilled agricultural workers, they did not own the land they were cultivating, which led to poor working and living conditions. The Roanoke Island colony failed, a precursor of the sharecropping system and debt peonage that characterized African American rural life for nearly a century after Appomattox. After the war, Turner continued to serve his people and minister to their spiritual needs. He was an officeholder in South Carolina, an AME bishop in Georgia, and a missionary in Africa. He died in Windsor, Canada, in 1915.

Turner's correspondence should be of interest to three types of readers. For students of the

American Civil War, it provides some keen observations about the persons, events, and violence that changed the United States. For students of African American history, it gives authentic voice to the sentiments of those who fought for freedom and equality.

LESTER P. LEE JR.
Suffolk University

America's Corporal: James Tanner in War and Peace. By James Marten. (Athens: University of Georgia Press, 2014. 216 pages. Illustrations, bibliography notes, index. Cloth, 69.95; paper, \$24.95; ebook, \$24.95.)

While conducting research for his previous book, James Marten had an experience that will sound familiar to many historians. Marten came across an interesting but lesser known historical figure and casually thought the person's life made for a compelling monograph on its own. Marten refused to let this particular figure, Civil War veteran James Tanner, remain "airbrushed" out of American history (160). Thus, his next project became a compelling and approachable biography titled *America's Corporal: James Tanner in War and Peace*. Interestingly, Marten argues that Tanner

deserves a biography because of his unique experiences and because his life so strikingly reflects the contours of the Gilded Age. To Marten, Tanner was both ordinary and one of a kind. Although it may seem counterintuitive to structure a biography on two contrasting arguments, Marten links both perspectives with ease and clarity. As a result, he successfully uses Tanner's life as a window into the complexities and turbulence of the late nineteenth-century United States.

Marten structures his dual argument of exceptionalism and representation through Tanner's experiences in the army, in local politics, and in the federal government. After discussing his humble beginnings, Marten explores Tanner's experience as a Union soldier. His service was unremarkable until he was shot during the Second Battle of Bull Run. The wound required the amputation of both of his lower legs to ensure his survival, a rare procedure that made him a medical marvel. He refused to be limited by life-long medical complications, debilitating pain and troublesome prosthetics and constructed a new, postwar identity as a patriot and veterans' champion despite his limited combat experience. Tanner studied law and chose "veteranizing," or advocating for veterans, as his life's work (69).

Marten then discusses Tanner's career as a Republican political insider in Brooklyn, most notably as a trusted tax collector. Despite never holding elected office, Marten argues that Tanner gained respect and publicity by avoiding the widespread corruption of Gilded Age politics. Skilled, ambitious and always prioritizing veterans, Tanner gained his most powerful position in 1889 with a presidential appointment as commissioner of pensions. His controversial decisions in that office catapulted him into the national spotlight. Many veterans came to view him as their leader. With 34 percent of the federal budget under his domain, he loosened pension requirements, hired disabled veterans, advocated for services like care homes, and fought any attempts to limit pension funds (108). He was lampooned in the popular press, and his political adversaries viewed Tanner as corrupt, power-hungry, and biased. Newspaper accounts slammed him for providing unnecessarily large pensions without a full investigation of each claim. Many Americans worried that pensions encouraged unemployment and threatened the volunteer spirit of the American military. President Harrison asked for Tanner's resignation after only five months, upon the conclusion of a damning Senate investigation. Tanner spent the remaining twelve years of his life as an attorney assisting veterans with pension claims.

Marten showcases the value of biography in two distinct ways, both of which will attract a variety of readers. First, he uses Tanner to connect multiple historiographies, especially the Civil War, Gilded Age politics, nineteenth-century medicine, and disability studies. Marten's treatment of the body, the state, and memory are particularly compelling. He clearly reminds readers how the framework of lived experience offers an opportunity to explore the connections between such subjects, just as historical actors did during their lives. Second, Marten uses intimate details of Tanner's life to provide a more nuanced understanding of the times. Marten's de-

scriptions of Tanner's self-effacing humor regarding his prosthetics speak volumes on how disabled veterans grappled with respectability and masculinity. Similarly, Marten's details on the Pension Building's lavish marble tiles, statues of Greek gods, and baskets that held 125 pounds of paperwork provide striking visual evidence on the rise of the state after the Civil War (108).

Drawing upon a wealth of sources, including newspapers, letters, and government documents, Marten positions Tanner within "virtually every major event" of the mid- to late nineteenth century (4). In many ways, Marten successfully demonstrates how Tanner's "concerns were representative" and Tanner "epitomized crucial aspects" of his era (162, 166). Although Marten does recognize that no person can be completely representative, this reader wondered if he could have explored that complication in more depth. Tanner brings us into nineteenth-century America, but it is Tanner's America; it is the America of upwardly mobile, well-connected, white men. Tanner rarely discussed race or gender issues, and Marten cannot be criticized for his subject's lack of interest. Yet, perhaps Tanner is less representative given these privileges, and the events some may deem as historically paramount were not necessarily central to all Americans' lives. This does not lessen Marten's work but instead aims to encourage continued critical inquiry regarding biography as a scholarly method.

Tanner called himself a "corporal among generals" (47). He never fired a bullet, but became a war hero. He never won an election, but became a powerful political insider. Historians usually reserve biography for elite, highly influential, and often celebrated historical figures already known to the public. Upon his death, Tanner quickly became a forgotten "relic" (160). Like Tanner himself, Marten's biography is also a "corporal among generals." Marten places a remarkable, yet ordinary, man on the shelves beside presidents, world leaders, and military commanders, and in so doing demonstrates what can be gained by studying generals and corporals alike.

CHRISTINE NEEJER
Michigan State University

Marching Masters: Slavery, Race, and the Confederate Army During the Civil War. By Colin Edward Woodward. (Charlottesville: University of Virginia Press, 2014. 293 pages. Bibliography, notes, index. Cloth, \$39.50.)

Marching Masters: Slavery, Race, and the Confederate Army During the Civil War "examines slavery's role in the creation of both Confederate identity and Confederate war strategy" (2). Adding to the growing number of works that combine military and social history, *Marching Masters* offers a convincing argument that—throughout the entire conflict—pro-slavery and racist ideologies played a seminal role in shaping Confederates' motivations, politics, tactics and selfhood. For Woodward, archivist at the Center for Arkansas History and Culture at the University of

Arkansas, a strong commitment to, and defense of, the peculiar institution served as the glue that bound officers, privates, planters, and yeomen together. Whether or not they owned slaves, Confederates were united in their belief that slavery was an economically beneficial and divinely ordained institution that they could not bear to see destroyed. Regardless of their social class, white Confederates clung to the ideals of *Herrenvolk* democracy, "a system that assured white equality would survive as long as its foundation rested upon black servitude" (33). Addressing the fundamental question of why Confederates fought, Woodward belongs in an historiographical dialogue with such scholars as Stephen Berry, Chandra Manning, Kenneth Noe, Jason Phillips, Tracy Power, and Aaron Sheehan-Dean. Woodward bases his conclusions on his analysis of thousands of letters produced by hundreds of officers and those in the enlisted ranks who fought in different theaters of the war. While not a perfect cross-section of southern white male society, this study employs a "democratic approach to the sources" and succeeds in incorporating the voices of many underrepresented soldiers (9).

Topically and chronologically organized, *Marching Masters* not only explores racial ideology among Confederates but sheds light on their relationships with African Americans on the battlefields and in the army camps. Considered here are slaves who served their masters as helpmates and cooks; slaves who were impressed—after March 1863—by the Confederacy to build and repair railroads and fortifications, dig graves and trenches, and assist medical workers; free black soldiers in the Union Army, some of whom worked as guards at prison camps like Point Lookout in St. Mary's County, Maryland; and, ultimately, armed slaves who served as Confederate soldiers. Through his investigation of such interactions, Woodward reveals that slaves' roles in the Confederate war effort were malleable and affected by military and political realities, such as the Emancipation Proclamation or the demoralizing battlefield defeats in 1864–65. Particular to the enlistment of slaves into the Confederate army in the final months of the war, Woodward argues that those in support of the controversial measure "were not abolitionists, but fatalists: men willing to take limited measures to arm the slaves because they saw no other way to overcome the Confederacy's manpower shortages and its difficulties in maintaining racial control" (156). Regardless of the situation, Confederates sought to best employ their greatest resource—bondsmen—in a way that did not completely violate individual property rights or weaken the institution of slavery in the (perceived) long run. In analyzing these complex black-white relationships, Woodward distinguishes himself from other Civil War scholars.

Marching Masters is an informative, analytical, and persuasive account that nimbly engages the relevant historiography. Readers come away with a much better appreciation for Confederates' abstract conceptions of the peculiar institution as well as their concrete relationships with slaves and, to a lesser degree, free blacks. Although it is not his stated aim, Woodward's narrative would have benefited from inclusion

of African American voices, in general, and their responses to white Confederates as masters and as soldiers, in particular. Alternately phrased, though readers have an excellent sense of master-slave relationships from the white perspective, they have little to no sense of such relationships from the black perspective. Documents from the Freedmen and Southern Society Project could have been consulted. The book is further weakened by uninspiring and, at times, repetitive prose and a conclusion that offers little new insight. Despite these criticisms, *Marching Masters* is a sophisticated contribution to the scholarship on the Confederacy that should be read by all interested in Civil War history, southern history, and race relations.

KATHERINE E. ROHRER
University of Georgia

Washington's U Street: A Biography. By Blair A. Ruble. (Baltimore: Johns Hopkins University Press, 2010. 432 pages. Illustrations, bibliography, notes, index. Paper, \$24.95.)

What can an urban thoroughfare, and the many different civic organizations, public venues and educational institutions scattered across its expansive corridor, tell us about the people who once resided there? In his erudite, and refreshing, historical study of one infamous Washington street, Blair Ruble—a prominent, political scientist at the Woodrow Wilson Center—ventures into foreign, scholarly terrain to probe the racial, class, and cultural strands that have molded U Street, a historic and contemporary epicenter of African American life in the nation's capital. Far from an idyllic, urban paradigm, U Street reflected the structural disparities within Washington itself—which has earned the moniker “The Secret City” because of its much neglected centrality to urban and African American history—and embodied a predominantly southern composition, especially during the twentieth century, for it demonstrated how urban, public space could facilitate cross-cultural exchanges while exacerbating pre-existing racial and class tensions between its white and African American inhabitants. Classifying his tome as a biography, he meticulously recreates the fractious, racial atmosphere around which seminal African American luminaries, working-class blacks, and white residents feuded with one another over—and gave shape to—the interminable, public and private venues that composed U Street throughout the last two centuries of its history.

From a methodological perspective, Ruble categorizes U Street as a “Contact Zone,” invoking the scholarly insights of fellow social scientists and historians to illuminate his contention that myriad, personal and collective impulses generated sexual discord, racial acrimony, and cultural ingenuity across its eclectic landscape. To illustrate his argument, he compares U Street, which has historically opened its arms to sexual outsiders—namely homosexuals—cultural rebels, and racial pariahs, to other cosmopolitan, urban centers, namely Tokyo and Buenos Aires, which also

possess "compelling arenas of incoherence" where socially accepted and ostracized groups compete over the spaces they both inhabit (10).

Ruble chronicles the complex, structural conditions under which racial, economic, and cultural schisms first appeared on U Street during the late nineteenth and early twentieth centuries. As the city of Washington weathered the aftershocks of the Civil War and Radical Reconstruction and slowly acquired more governing responsibilities from Congress, U Street epitomized the roiling racial and class tensions coursing through Washington's political apparatus, for it attracted a *mélange* of racially and economically diverse constituencies, with long-standing free blacks and newly freed slaves contesting affluent and impoverished whites for control over its private and public spaces. But the emergence of a Jim Crow regime across the nation's capital, which adopted the segregationist ethos of its southern neighbors, only intensified racial and class differences among inhabitants of U Street. While prominent African American civic figures and civil rights' activists forged black institutions, such as Howard University, and wielded their socially activist scholarship and legal knowledge to combat institutionalized racism, their actions often exposed underlying, and sometimes visceral, class divisions within the wider black community of Washington. Caught in a cultural maelstrom of pool halls, motion picture palaces, and sporting venues, Jean Toomer, a member of the much-vaunted "Talented Tenth," documented the chasms and confluences between the migrant, working-class atmosphere of nearby Seventh Street and the emerging artistic and intellectual nexus of U Street, which featured the popular Howard Theatre, where, as he notes in his novel *Cane*, the "life of nigger alleys, of poolrooms and restaurants and near-beer saloons soaks into the walls of Howard Theatre and sets them throbbing to jazz songs" (76).

Upon the conclusion of World War II, Ruble asserts that U Street entered a "transition" period in its history, in which changing racial and class demographics, community redevelopment and urban renewal projects, desegregation mandates, and racial violence tested the collective resolve of its increasingly working-class black population. Drawn to the physical and commercial attributes of postwar suburbia, middle-class blacks and whites abandoned the dynamic tapestry of U Street, while black migrants from less affluent quarters of the city—forced out of Southwest Washington because of urban renewal projects—and the South soon occupied "Black Broadway's" domiciles and community fixtures. Legal rulings that barred restrictive covenants in housing transactions and racial segregation in educational facilities, however, did little to improve the inhospitable economic, housing, and educational conditions of working-class African Americans and community activists clamoring for more grassroots, decision-making responsibilities and civil rights' safeguards. Marion Berry, one of U Street's many grassroots organizers, initiated the Free D.C. Movement to obtain "Home Rule" from Congress in defiance of white businessmen who opposed its passage and discriminated against prospective black employees.

The city's rapid descent into racial violence soon following the King assassination in April 1968, moreover, not only signaled the racial transformation of the District but also symbolized the political ascent of the so-called black "radicals" who had established their communal credibility on U Street in the 1960s.

Although radical black politicians rose to positions of institutional power and public prominence in the District in the wake of the civil rights' struggles, they nevertheless, as Ruble notes, found the city, and U Street in particular, perpetually mired in a vicious cycle of economic despair, social decay, and uneven patterns of communal regeneration. Amid these racial and political developments, criminal and drug activities nearly debilitated the community foundations of U Street in the 1970s and 1980s, compelling church-based and educational entities to inaugurate community campaigns and centers designed to alleviate the worst effects of drug violence and endemic poverty. In recent decades, urban professionals, harnessing their economic clout to rehabilitate distraught sections of U Street, have slowly repopulated its vast corridor, but they have also confronted hostility from local leaders and activists, who have complained about the growing economic and housing disparities between the new arrivals and long-standing residents of U Street.

Admirably scouring through myriad dissertations and theses, government reports, and other cultural ephemera to recreate the complex tapestry through which racial disputes, class debacles, and cultural transformations unfolded along U Street, Ruble thoughtfully situates its historical development within the broader context of the "Secret City's" urban development and the convoluted milieu of southern race relations during the nineteenth and twentieth centuries. His categorization of U Street as a "contact zone," moreover, compels urban historians of the American variety, who sometimes retreat to the safe, and parochial, confines of localized studies, to incorporate more transnational and comparative approaches into their historical methodologies on American cities and metropolitan regions. As a resident of Washington, Ruble also injects a personal dimension into his "biographical" rendering of U Street; he, for instance, insightfully charts the evolution of U Street by paying homage to its most notable cultural and community leaders in the form of short, biographical sketches toward the terminus of each chapter. In doing so, he illustrates how cultural personalities and community leaders influenced its physical and social environment, and employed their experiences on U Street to become influential actors within Washington's cultural and political circles. Encapsulating the racial, class, and cultural debacles that have plagued both the Jim Crow South and urban regions in the North for the last two centuries, U Street stood at the spatial crossroads—as Ruble deftly elucidates—of a city that wrestled, and still struggles, with its public image of being democratically and culturally inclusive.

MATTHEW SMALARZ
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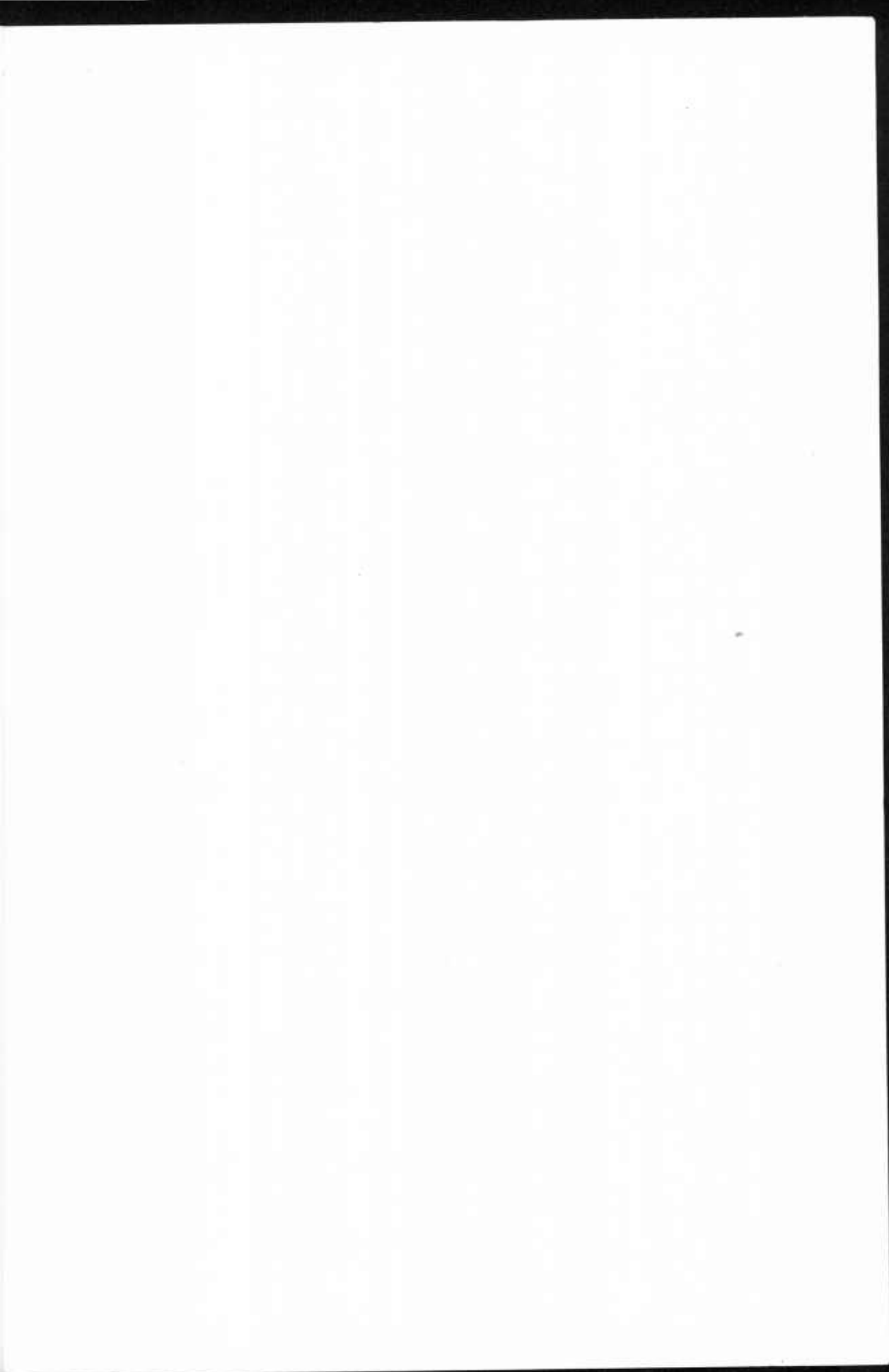
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